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Delegations will find in Annex a report from the German Presidency on the state of play regarding support for victims of terrorism, particularly in cross-border situations. Annex I of the report contains Member States' answers to the Presidency questionnaire on *inter alia* best practices for government-to-government cooperation regarding victims of crime in cross-border situations. Annex II of the report contains a list of contact details of the Member States' single contact points for victims of terrorism.

The report was drawn up in close consultation with all delegations, the Commission and relevant agencies and organisations. The Presidency wishes to thank everyone involved for their valuable contributions.

## THE STATE OF PLAY REGARDING SUPPORT FOR VICTIMS OF TERRORISM, PARTICULARLY IN CROSS-BORDER SITUATIONS

### Report from the German Presidency of the Council

The recent appalling attacks in Vienna, Paris, Nice and Dresden that occurred within the time frame of just one month have once again shaken us to our core as European citizens. The events made us intensely aware that the subject of “support for victims of terrorism” can sadly become highly topical at any moment. During its term, the Presidency has focused on establishing measures to further strengthen the support for individuals who fall victim to terrorist attacks which are directed at the common values underpinning our democratic and societal systems. To this end, the subject was discussed extensively in four COPEN meetings with the European Commission, EU Member States and relevant experts such as representatives of the European Network on Victims’ Rights (ENVR), Eurojust, the Council of Europe, the European Centre of Expertise for Victims of Terrorism (EU CVT), the single contact points for victims of terrorism of different Member States and the EU Counter-Terrorism Coordinator (EU CTC). The Presidency built on the exceptional work done by earlier Presidencies<sup>1</sup> and the large number of major European initiatives and reports in the area of victims’ rights<sup>2</sup>. The Presidency wishes to outline the progress that has been made in defining the “**single contact point for victims of terrorism**” – a central structure in Member States which is designed to **help victims to navigate after a terrorist attack**, particularly in situations with a cross-border context. Furthermore, the Presidency would like to suggest ways in which the existing and envisaged single contact points for victims of terrorism could operate in order to support victims of terrorism in the most effective manner.

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<sup>1</sup> c.f. Council conclusions on victims’ rights, 4 December 2019 (OJ C 422, 2019, p. 5); Council conclusions on victims of terrorism, 4 June 2018 (9719/18).

<sup>2</sup> e.g. EU Strategy on victims' rights (2020-2025) of 24 June 2020 (9178/20); European Parliament “How can the EU and Member States better help the victims of terrorism?”, Policy department for Citizens’ Rights and Constitutional Affairs; EU Counter-Terrorism Coordinator „Strengthening the protection and support of victims of terrorism in the EU“, 906471/20/Rev 1; Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker 'Strengthening victims' rights: from compensation to reparation, 8629/19; Establishment of the European Network on Victims’ Rights; Establishment of the Network of Single Contact Points for the Exchange of Procedural Information Regarding the Legal Standing of Victims of Terrorism in the context of the Council of Europe.

## **I. Promoting the establishment of single contact points for victims of terrorism in the Member States**

1. Identification of “best practices” and challenges in supporting victims of terrorism, particularly in cross-border situations.

For the Presidency, the terrorist attack at the Breitscheidplatz Christmas Market in December 2016 constituted a turning point. When the attack occurred, a wide range of victim support organisations were already available in Germany to provide financial, psychological and practical assistance. Nevertheless, this comprehensive support system did not prove to be sufficient. **Victims of terrorism** are often confronted with a particular set of circumstances that **require a specific response**: Terrorist attacks have a transnational dimension. In many cases, they target large gatherings of people or tourist destinations. The victims include individuals who do not habitually reside in the Member State of the attack or who have a different nationality (“**cross-border victims**”). It is particularly these cross-border victims who often face specific obstacles that make the effective exercise of their rights a challenge. Factors include the inability to speak the language of the country affected, lack of information, or non-familiarity with the legal system and victim support services.

Moreover, terrorist attacks are not directed primarily at the individual concerned. They are an attack on the common values upon which our democratic and societal systems are built. This is why victims of terrorism, in particular, deserve our collective solidarity. They need special support during the immediate aftermath and also over the long term – in the form of psychological, practical and financial assistance<sup>3</sup>.

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<sup>3</sup> c.f. Art. 24 (2) in Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

In response to the Christmas Market attack, the Federal Government Commissioner for the Victims and Bereaved of the Terrorist Attack at Breitscheidplatz was appointed in March 2017. In April 2018, the permanent position of the *Beauftragter der Bundesregierung für die Anliegen von Opfern und Hinterbliebenen von terroristischen Straftaten im Inland* (Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences Committed on National Territory) was established. The Federal Government Commissioner is independent but attached to the Federal Ministry of Justice and Consumer Protection. In the event of an attack, the Federal Government Commissioner acts as a central contact point for those affected by the attack – foreign and national victims – and for all other actors that may be involved in supporting the victims. **In order to provide efficient support to victims of terrorist attacks, all stakeholders need to work closely together – on a national as well as on an international level.**

An important first step in accomplishing successful cooperation is **to initiate an exchange of experiences**, to present best practices and to identify areas where further improvements could be of added value.

Consequently, the Presidency invited Member States<sup>4</sup> to share their practices and views on government-to-government cooperation regarding victims of crime in cross-border situations with a focus on victims of terrorism. On a national level, Member States reported impressive examples of holistic approaches to victim support covering psychological, financial and practical aid mechanisms. Furthermore, from the Member States' responses, it became apparent that a very solid basis of government-to-government cooperation already exists within the EU. Forums such as the European Network on Victims' Rights (ENVR) are widely used to discuss questions of policy on victims' rights. There is also cooperation within the Council of Europe.

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<sup>4</sup> 9244/20.

With regard to practical cooperation in individual cases, however, the situation appears to be different. Member States that have already endured terrorist attacks or whose nationals have fallen victim to terrorist attack shared the insight that efficient support for these victims is primarily dependent on bilateral efforts. Accordingly, where the competent bodies had already got to know each other in advance, this greatly facilitated cooperation in cross-border cases. Conversely, where such a connection was lacking, the Member States highlighted a number of demanding challenges in providing support to victims in cross-border cases. These included the transfer of personal data of victims in accordance with data protection rules or, more generally, the gathering of all information necessary to offer comprehensive support and the identification of the right authority for a victim in their Member State. According to the Member States, support can prove difficult once the victim has returned to their Member State and complex questions of medium or long-term support arise.

In its questionnaire, the Presidency also made reference to the Council Conclusions on Victims of Terrorism<sup>5</sup> where the Member States were called upon to nominate a national contact point for victims of terrorism with the objective to “facilitate the rapid exchange of information and assistance in the event of a terrorist attack”. The Member States replies to the questionnaire show that different structures which reflect the diversity of national victim support and governmental systems were implemented:

**Spain** has a Directorate-General for Support for Victims of Terrorism (“*Dirección General de Apoyo a Víctimas del Terrorismo*”) and **France** has an Operational Victim Support Office (BAVPA), in addition to a Cross-Government Victim Support Office (DIAV or “*Délégation interministérielle de l’aide aux victimes*”), both established in the French Ministry of Justice. When an attack occurs, France can trigger a protocol called the ORSEC NOVI mechanism (Civil Security Response Organisation, “aid for mass casualties”) and can activate its cross-governmental or inter-departmental unit whose mission is to list victims and refer them to the victim support system. In **Belgium**, a Central Counter for victims of terrorist attacks and major disasters was established after the attacks in Brussels. This counter is the central national and international contact point, but also the direct contact point for victims.

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<sup>5</sup> Council Conclusions on Victims of Terrorism, 4 June 2018 (9719/18).

There is close partnership between the victims' unit of the Federal Public Prosecution Office, the "coordinated aftercare" of the Communities, the judicial victim support services and the recognised victim support services. If necessary, the number of actors can be extended. In **Portugal**, the Commission for the Protection of Victims of Crime at the Ministry of Justice is responsible for cross-border victims. In **Estonia**, the central contact point is a sub-organisation of the Ministry of Social Affairs. As mentioned above, in **Germany**, the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences Committed on National Territory is attached to the Federal Ministry of Justice and Consumer Protection.

Several Member States mentioned the establishment of single contact points in the Member States as a way to achieve more efficient cooperation in the support of victims of terrorism.

The complete answers to the Presidency questionnaire are included in **Annex I** to this document. The document contains – inter alia – information on national support structures for victims of terrorism and best practices regarding government-to-government support in cross-border cases.

During the German Presidency, the High-level conference on victims' rights on 22 September 2020 that was organised by the Commission and the German Presidency proved to be another very valuable forum of exchange on questions of victims' rights in general and on the support of victims of terrorism in particular. The participation of Ministers of several Member States and distinguished experts made the importance of this continuous exchange very apparent.

Another important player in the sharing of knowledge among Member States with regard to support for victims of terrorism is the EU Centre of Expertise for Victims' of Terrorism (EU CVT). The EU CVT is a two-year pilot project by the Commission that started in January 2020. It acts as a hub of expertise, providing guidelines and training activities aimed at assisting national authorities and victim support organisations in the implementation of the EU rules on victims of terrorism. The EU CVT addressed the question of how government-to-government support for victims of terrorism could be improved in terrorist attacks with a cross-border component. They also identified<sup>6</sup> the establishment of single contact points in the Member States as a solution to reinforced operational cooperation.

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<sup>6</sup> WK 8550/2020 INIT.

2. Framework governing the support for victims of terrorism, particularly in cross-border situations

The most important EU instrument for the support of all victims, including victims of terrorism, is the **Victims' Rights Directive**<sup>7</sup> that establishes minimum standards on the rights, support and protection of victims of crime and its corresponding national legislation. Under the Victims' Rights Directive, Member States should take particular account of the needs of victims of terrorism<sup>8</sup>. The Victims' Rights Directive is closely linked to the **Compensation Directive**<sup>9</sup> which covers an important aspect of support for victims of terrorism, namely the obligation of Member States to provide fair and appropriate financial compensation to victims of violent, intentional crimes<sup>10</sup>, including cross-border victims.

In addition to these two directives, the **Counter-terrorism Directive**<sup>11</sup> introduced specific provisions in its Chapter V concerning support for victims of terrorism<sup>12</sup>. In this regard, the following provisions should be highlighted: Firstly, Member States shall provide for support services addressing the specific needs of victims of terrorism which should be – inter alia – comprehensive and available to all victims of terrorist attacks, immediately after a terrorist attack and for as long as necessary<sup>13</sup>. Member States shall furthermore foresee mechanisms or protocols that envisage the coordination of relevant authorities, agencies and bodies to be able to provide a comprehensive response to the victims' and their families' needs, again, immediately after an attack and for as long as necessary<sup>14</sup>.

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<sup>7</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

<sup>8</sup> Recitals 16, 57; Art. 22 (3) in Directive 2012/29/EU.

<sup>9</sup> Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

<sup>10</sup> Art. 12 (2) in Council Directive 2004/80/EC.

<sup>11</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA

<sup>12</sup> Compare also Recitals 27-30 of Directive (EU) 2017/541.

<sup>13</sup> Art. 24 in Directive (EU) 2017/541.

<sup>14</sup> Art. 24 (4) in Directive (EU) 2017/541.

Directive EU 2017/541 also provides for special rules regarding victims of terrorism resident in another Member State. Accordingly, Member States shall take appropriate action to facilitate cooperation between their competent authorities or entities providing specialist support to ensure that these victims have effective access to information on their rights<sup>15</sup>. Member States shall also ensure that foreign victims have access to the assistance and support services (emotional and psychological support; assistance concerning compensation in the Member State of the attack) in their Member State of residence<sup>16</sup>. However, the transposition report on the Counter-Terrorism Directive<sup>17</sup> that was published by the Commission on 30 September 2020 showed that “there are deficiencies as regards the transposition of specific provisions for victims of terrorism, which could have the effect of victims of terrorism not receiving assistance or support tailored to their specific needs”.

The obligations set out in the Counter-Terrorism Directive were also referred to in the **EU Strategy on Victims' Rights (2020-2025)**<sup>18</sup>. The EU Strategy identifies key actions for Member States regarding the support for victims of terrorism: Member States should facilitate cooperation between their competent authorities and entities providing specialist support to ensure that victims of terrorism have effective access to relevant information in cross-border cases. Furthermore, Member States are called upon to facilitate cooperation and ensure a coordinated approach to victims' rights between all actors relevant to providing targeted and integrated support to the most vulnerable victims, such as victims of terrorism. Additionally, Member States should focus on the exchange of best practices on providing support and protection to the most vulnerable victims, including victims of terrorism and should ensure that victims of terrorism are recognised.

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<sup>15</sup> Art. 26 (1) in Directive (EU) 2017/541.

<sup>16</sup> Art. 26 (2) in Directive (EU) 2017/541.

<sup>17</sup> Report from the Commission to the European Parliament and the Council based on Article 29(1) of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, COM(2020) 619 final.

<sup>18</sup> EU Strategy on victims' rights (2020-2025), 24 June 2020 (9178/20).



The need for better communication and coordination between actors relevant to victim support on a national and EU level has been addressed by many important stakeholders, for example by the Special Adviser for compensation to victims of crime to the former President of the European Commission<sup>19</sup> and the European Parliament<sup>20</sup>. More specifically, the European Counter-Terrorism Coordinator (EU-CTC) stressed in his policy paper “Strengthening the protection and support of victims of terrorism in the EU”<sup>21</sup> – inter alia – the importance of “an EU network of the national operational contact points of Member States for victims of terrorism which would meet regularly to ensure closer cooperation among Member States”. The EU-CTC based his suggestion on the above-mentioned **Council Conclusions on Victims of Terrorism**<sup>22</sup> which called on Member States to nominate “a national contact point responsible for provision of information concerning the available support, assistance, protection and compensation system for victims in order to facilitate the rapid exchange of information and assistance in the event of a terrorist attack.”

3. Defining the structure, role and tasks of single contact points for victims of terrorism

The national contact point – or single contact point – for victims of terrorism that was agreed upon by Member States in the Council Conclusions on Victims of Terrorism<sup>23</sup> can provide a solution to strengthening cooperation between the actors involved in the support of victims of terrorism on a national and European level.

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<sup>19</sup> Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker, Strengthening victims’ rights: from compensation to reparation, 8629/19.

<sup>20</sup> European Parliament “How can the EU and Member States better help the victims of terrorism?”, Policy department for Citizens’ Rights and Constitutional Affairs, September 2017.

<sup>21</sup> EU Counter-Terrorism Coordinator „Strengthening the protection and support of victims of terrorism in the EU“, (906471/20/Rev 1); see also “Input by the EU Counter-Terrorism Coordinator to the discussion on the EU response to the recent terrorist attacks at the JHA Council on 13 November 2020”, 12630/20.

<sup>22</sup> Council Conclusions on Victims of Terrorism, 4 June 2018 (9719/18).

<sup>23</sup> See Footnote 5: Member States were called on to nominate a national contact point responsible for provision of information concerning the available support, assistance, protection and compensation system for victims in order to facilitate the rapid exchange of information and assistance in the event of a terrorist attack.

**When setting out to define the structure, role and scope of tasks of these single contact points, it is essential to take into account the particularities of the victim support system and governmental organisation within the Member States. There cannot and will not be any standardised, uniform set-up of a model single contact point for victims of terrorism that can be implemented in the same way in every Member State.** This has been established as a fundamental basis of the discussions between Member States. The examples that have been presented by the Member States in the COPEN meetings have underlined this:

For example, **France** has implemented a **“one-stop-shop” solution** where the single contact point uses the same representative as networks such as the ENVR, the Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism of the Council of Europe, or the Network of central contact points according to the Compensation Directive<sup>24</sup>. The French single contact point is part of the **French Ministry of Justice**.

In comparison, the **Spanish contact point** belongs to the **Ministry of Interior**. It is a special administrative unit which is responsible for psychological, financial and practical offers of support for victims of terrorism. It directly offers financial and psychological support.

In **Belgium**, the single contact point is based on a **dual structure**. Firstly, there is the National Victims’ Unit of the **Federal Prosecutor’s Office**. It is responsible in particular for victims’ rights in criminal proceedings but also acts as an operative unit to support victims of terrorist attacks. In the event of a terrorist attack, in addition, the Central Counter for victims of terrorist attacks and major disasters can be activated which – inter alia – coordinates and structures multidisciplinary support.

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<sup>24</sup> Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

In **Germany**, as mentioned above, the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences Committed on National Territory **is independent but attached to the Federal Ministry of Justice and Consumer Protection**. He or she is supported by a Secretariat consisting of legal and administrative staff and psychologists. The Federal Government Commissioner offers or directs victims towards options for practical, financial and psychological support in the immediate aftermath of an attack and in the medium and long term. He or she is also responsible for establishing networks among the relevant stakeholders to ensure that cooperation after a terrorist attack works smoothly.

Notwithstanding each Member State's particularities, the Presidency has developed certain notions concerning the role of the single contact points that **might serve as an orientation** on how to best and most efficiently support victims of terrorism. These criteria are based on the Presidency's experiences and the exchange with Member States. They are to be **understood as suggestions only and as a tool of guidance** to Member States on how to respond to the responsibility and need for strengthening practical cooperation between the victim support actors on a national and European level:

- In many Member States, well-developed structures of victim support already exist. Nonetheless, victims may need guidance, particularly in the immediate aftermath of an attack but also when complicated questions arise concerning the options for medium and long-term support. There appears to be a need for the single contact point to act as a **proactive navigator of all available support offers** for victims of terrorism, i.e. financial, psychological and practical support immediately after a terrorist attack and for as long as necessary<sup>25</sup>.
- This means that, on a national level, the navigator point should have a good overview of the options for practical, financial and psychological support and should be well connected to the actors in the field<sup>26</sup>.

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<sup>25</sup> Compare esp. Art. 24 (2), (3) Directive (EU) 2017/541.

<sup>26</sup> Art. 24 (4) in Directive (EU) 2017/541.

- Regarding **cross-border victims**, i.e. victims of terrorism who are residents of a Member State other than that where the terrorist offence was committed, it needs to be ensured that this group of victims **has effective access to information on their rights**, as well as access to the available support services and compensation schemes in the Member State where the terrorist offence was committed<sup>27</sup>. Furthermore, **cross-border victims must have access to the assistance and support services** (emotional and psychological support; assistance concerning compensation in the Member State of the attack) in their Member State of residence<sup>28</sup>.
- These criteria can be fulfilled by establishing a single contact point for victims of terrorism and organising efficient, operative cooperation between these single contact points of the Member States. To that end, the Presidency would like to make the following suggestions:
  - The Presidency notes that there appear to be strong arguments in favour of giving the single contact point the form of a public authority in order to achieve well-functioning government-to-government cooperation:
    - Firstly, **it would be easier to avoid a duplication of efforts and competing interests** with already existing structures<sup>29</sup> that facilitate an exchange on matters relating to victims' rights support and cross-border crime. The single contact point for victims of terrorism could be the same public authority as for the networks and structures that already exist. In any event, on a national level, **sharing of information on victims' rights and victim support** gained in the different networks could be simplified and the useful knowledge of all these actors **could be more easily organised** within or with the single contact point. Also, it would be easier **to make use of or incorporate (diplomatic) channels of exchange** that already exist between the Member States in the work of the single contact point.

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<sup>27</sup> Art. 26 (1) in Directive (EU) 2017/541.

<sup>28</sup> Art. 26 (2) in Directive (EU) 2017/541.

<sup>29</sup> See below under point 4 below for a non-exhaustive list of networks that could be considered.

- Secondly, nominating a public authority could lead to a **more efficient and effective implementation of victims’ rights** as foreseen under the Counter-terrorism Directive and the Victims’ Rights Directive, and other relevant instruments.
  - Lastly, installing a public authority as a single contact point could make it easier to ensure that the single contact point disposes of, or may make available, **sufficient financial and personnel resources** to support, if necessary, a higher number of victims over a long period of time.
  - In the Presidency’s view, it might be helpful if the single contact point could to a certain extent **take on operative functions**. Consequently, it would be advantageous if the single contact point were familiar with the single contact points of other Member States and, in the event of a terrorist attack, would **be responsible for incoming and outgoing information on the victims. Ideally it could also offer practical support to the victims** and monitor their progress.
4. Creating synergies and avoiding duplication – cooperation between the single contact points for victims of terrorism and existing structures

In Europe, there are already several structures that facilitate an exchange on matters relating to victims’ rights, support and cross-border crime. Each of these structures has its own important tasks, some examples of which are listed here below:

- The **European Network on Victims’ Rights** (ENVR) is a network of experts which was established as a permanent structure following the adoption of the Victims’ Rights Directive 2012/29/EU. Here, experts working in the Ministries of Justice of the Member States dispose of invaluable expertise in the field of victims’ rights. Depending on the subject (e.g. compensation or victims’ rights in criminal proceedings) different experts take part in the meeting when exchanging best practices or information.

- The **Network of central contact points on compensation established on the basis of the Compensation Directive**<sup>30</sup> facilitates access to compensation in cases where the crime was committed in a Member State other than that of the victim's place of residence. In a holistic approach to victim support, financial compensation is only one aspect of the comprehensive support required.
- The **Network of Single Contact Points** for the exchange of procedural information regarding the legal standing of victims of terrorism of the **Council of Europe** is not limited to EU Member States. Its purpose is to facilitate the exchange of general information on the legal standing of victims of terrorism in the participating states. In the event of a terrorist attack, the Council of Europe contact points would not take on the task of directly supporting an individual victim.
- The **European Union Centre of Expertise for Victims of Terrorism (EU CVT)** works closely together with civil society organisations and provides expertise and activities such as training sessions that could provide a valuable resource for the single contact points for victims of terrorism.
- **Eurojust** supports judicial cooperation and coordination between national authorities in combatting, inter alia, terrorism and serious organised crime affecting more than one EU country. It may for example coordinate investigations and prosecutions involving two or more Member States as well as third states. Terrorist attacks often have a cross-border dimension, meaning that Eurojust as an operative network is likely to be involved in the investigations.
- The **European Judicial Network** in criminal matters is a network of national contact points for the facilitation of judicial cooperation in criminal matters. For the purpose of supporting victims of terrorism, it is hence limited to providing support for judicial cooperation should criminal proceedings be initiated after a terrorist attack.

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<sup>30</sup> Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

- The **European Counter-Terrorism Coordinator (EU CTC)** plays a coordinating role in the EU's fight against terrorism and monitors the implementation of the EU counter-terrorism strategy.
- The newly appointed **European Commission victims' rights coordinator** ensures consistency and effectiveness of different actions in relation to the victims' rights policy.
- The **Victims' Rights Platform** of the European Commission will ensure a more horizontal approach to victims' rights. The Platform will bring together for the first time all EU level actors relevant for victims' rights and will be a very helpful source of information.

The establishment of single contact points for victims of terrorism **must not lead to a duplication of efforts and competing interests with already existing structures**. Therefore, the Presidency has initiated the process of evaluating possibilities for cooperation with two networks in particular:

- **The ENVR:** In the opinion of the Presidency, the ENVR **could play a central role** in organising cooperation between the single contact points of victims of terrorism. It has the necessary resources and expertise acquired by leading the exchange on issues of victims' rights and is very well connected with governmental and non-governmental actors in the field of victim support. A mechanism of close cooperation could be implemented whereby the ENVR would take on administrative work for the single contact points. **Ideally, the single contact points would be integrated into the ENVR.** The ENVR could be in charge of organising a more structured exchange between single contact points and could also provide the technical means for practical cooperation between the single contact points.

- **Eurojust:** Based on the discussions in the COPEN meetings, it has been concluded that Eurojust would be an indispensable partner to support the single contact points for victims of terrorism in terms of ensuring – where appropriate – an efficient flow of information as far as criminal investigations and proceedings are concerned. This may prove to be particularly helpful where there is cooperation with a Member State that has not yet designated a single contact point for victims of terrorism. In the experience of the Presidency, updates on and participation in criminal proceedings can be crucial to victims of terrorism.

5. Ensuring that personal data are processed in accordance with data protection rules

One point that needs particular consideration when discussing the operation of single contact points for victims of terrorism is the processing of victims' personal data in compliance with EU and national data protection rules. The operation of the single contact points for victims of terrorism raises a number of questions concerning data protection. **The solution in these scenarios will very much depend on the set-up and structure of the single contact points and the specific functions they will fulfil. Therefore, an in-depth legal analysis by each Member State will be necessary once their respective single contact point has been set up.**

Nevertheless, based on the core functions that the Presidency has identified<sup>31</sup>, the existing legal framework in the EU, in particular the General Data Protection Regulation<sup>32</sup> (GDPR) and, where the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is concerned, the Directive (EU) 2016/680<sup>33</sup>, may provide a sufficient basis for the operation of the single contact points for victims of terrorism.

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<sup>31</sup> cc. WK 11238/2020 INIT.

<sup>32</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

<sup>33</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.



Practically relevant scenarios where the GDPR may apply – depending on the individual set-up and position of the single contact point within the Member State’s structure – include those

- where a single contact point receives a list of victims of an attack from a competent national authority to get in contact with a victim offering or directing the victims to means of practical, financial and psychological support;
- where a single contact point transfers a victim’s personal data to a single contact point in a different Member State;
- where a single contact point transfers a victim’s personal data to a national victim support organisation;
- where a single contact point sends an invitation to a victim to participate in a memorial event.

The General Data Protection Regulation (GDPR) has the objective that the “free movement of personal data within the Union shall be neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data”.<sup>34</sup>

Hence, where the transfer of personal data between the single contact points for victims of terrorism in different Member States is concerned, in principle the same rules as for transfer of personal data within a Member State will apply.

Under the GDPR, Art. 6 (1) (a), processing of personal data is lawful if the individual concerned consents.<sup>35</sup> Within the realm of the victim’s valid consent, comprehensive support may be provided by the single contact point. This is especially important for issues of medium and long-term support such as the provision of special psychological therapies or questions regarding social support (sick pay, sick leave, pensions, compensation payments).

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<sup>34</sup> Art. 1 (3) GDPR.

<sup>35</sup> Art. 6 (1) (a) GDPR.

However, sometimes consent may not be obtainable, for example where an individual is severely injured, or it may not be practicable to obtain consent, for instance in the immediate aftermath of an attack. Furthermore, consent only provides a valid legal basis for the processing of personal data if given freely. However, this may not be the case where there is a clear imbalance between the data subject and the controller, in particular when the controller is a public authority.<sup>36</sup> As a consequence, if the single contact point is implemented as a public entity, it must be assured in particular that there is no such imbalance, and that consent is given freely.

The GDPR provides for various ways in which the processing of personal data may nonetheless be lawful. The following legal basis could be particularly relevant:

According to Art. 6 (1) (d) GDPR, the processing of personal data is lawful to the extent as is necessary in order to protect the vital interests of the data subject or of another natural person, usually in cases of emergency medical care. It would be necessary to conduct a thorough examination as to whether the processing of the personal data of the individual concerned could be considered as support that is in the vital interests of the victim. Depending on the set up of the single contact point – particularly with regard to the extent to which the single contact point assumes operative tasks – this provision could apply in a very limited number of instances.

Additionally, the processing of personal data is lawful to the extent that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, as per Art. 6 (1) (e) GDPR. However, the applicability of Art. 6 (1) (e) GDPR depends on the existence of Union or Member State law stipulating the purpose of the processing or that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Art. 6 (3) GDPR).<sup>37</sup>

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<sup>36</sup> Recital 43 GDPR.

<sup>37</sup> For example, Germany has made use of the opening clause by enacting Section 25 (1) Federal Data Protection Act (BDSG) according to which “The transfer of personal data by public bodies to public bodies shall be permitted if it is necessary for the transferring body or the third party to whom the data are transferred to perform their duties and the conditions are met which would permit processing pursuant to Section 23.” According to Section 23 (1) it is permitted – inter alia – where “it is obviously in the interest of the data subject and there

Where the processing of special categories of data such as health data is concerned, different conditions need to be fulfilled as set out in Art. 9 GDPR. Processing will be lawful, for example according to Art. 9 (1) (a) GDPR, where the individual has given explicit consent to the processing of those personal data for one or more specified purposes.<sup>38</sup> However, as mentioned above, it must be assured that consent is given freely by the person concerned.

Furthermore, it is worth mentioning that the transfer of personal data to the relevant authorities in third countries will only be lawful under the conditions set out in Art. 44 et seq. GDPR.<sup>39</sup>

## II. List of single contact points for victims of terrorism

In **Annex II** to this document, Member States will find a list of contact details of the single contact points for victims of terrorism that have been submitted to the Council Secretariat by 25 November 2020. Several Member States<sup>40</sup> indicated that discussions concerning the nomination of their single contact points for victims of terrorism were still ongoing.

## III. Outlook – possible ways forward for single contact points for victims of terrorism

The Presidency would like to thank the Member States and all relevant actors involved, in particular the EU CVT, the ENVR, the EU CTC, the Council of Europe and Eurojust for the discussions and support that was necessary in order to further define the concept of single contact points for victims of terrorism. Particularly with the contact list of single contact points for victims of terrorism, the Presidency feels that an important practical step has been taken towards better cooperation between the Member States in matters relating to victims of terrorism. The Presidency hopes that the list can provide a basis for further actions to consolidate the concept of single contact points for victims of terrorism as well as their cooperation in practice.

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is no reason to assume that the data subject would refuse consent if he or she were aware of the other purpose.”

<sup>38</sup> Art. 9 (1) (a) “ [...] except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.”

<sup>39</sup> For a more in-depth analysis of the relevant legal issues surrounding data protection, Member States may consult WK 11238/2020 INIT and WK 10070/2020 INIT.

<sup>40</sup> Austria, Czechia, Finland, Hungary, Latvia, Netherlands, Poland, Romania, Sweden, Slovenia.

The following steps could be targeted in the future:

- Member States that have not yet nominated a single contact point are encouraged to do so in order to enable effective cooperation between all Member States.
- In the Presidency's view, it would be advantageous if the existing single contact points for victims of terrorism continued the close exchange, in particular with the ENVR, with the aim of setting up the first meeting of the single contact points of victims of terrorism. The meeting could provide a forum to determine, inter alia, how the single contact points should cooperate with each other and with the existing structures such as the Council of Europe Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism.
- It is worth considering whether to designate an institution, body or person, such as the EC Coordinator for victims' rights or the ENVR, to be in charge of keeping the list of single contact points for victims of terrorism up to date.
- Furthermore, it could be helpful to reflect on whether the information contained in the list of single contact points for victims of terrorism should be extended to include additional information facilitating practical cooperation. Given possible deviations in the structure, role and tasks of single contact points for victims of terrorism, one possibility to consider would be to give a description of the competencies of each single contact point.

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## AUSTRIA

### Introductory remarks:

Under the Victims of Crime Act (*Verbrechensopfergesetz*, VOG, law gazette No 288/1972), financial compensation is awarded by the Republic of Austria. Compensation for victims of terrorist attacks is already included in the Victims of Crime Act. Therefore in Austria no specific compensation system for victims of terrorist attacks is needed.

According to the Victims of Crime Act, citizens of Austria and the EU (if their usual place of residence was in Austria prior to the offence) are also in principle entitled to compensation for injuries that occur abroad.

Third-country nationals is provided compensation by the Victims of Crime Act if the offence has been committed in Austria after 30 June 2005. Claimants must usually have been a legal resident at the time of the offence.

Benefits under the Victims of Crimes Act have to be applied for at the Federal Office for Social Affairs and People with Disabilities (*Sozialministeriumservice*). This authority decides on applications for compensation in first instance.

According to Article 2 of Council Directive 2004/80/EC compensation shall be paid by the competent authority of the Member State on whose territory the crime was committed.

**1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

According to the Victims of Crime Act the national security authorities, the criminal court of first level and the public prosecutors are obliged to instruct the victims of crime of the regulations of the Victims of Crime Act. In addition to that, general and specialized victim support organizations (f.e. *Weisser Ring*) offer assistance and inform victims about the Victims of Crime Act and their possibility for compensation.

Information concerning the Victim of Crime Act is provided by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection and the Federal Office for Social Affairs and People with Disabilities on their websites. Efforts to improve the online information for victims of crime are ongoing.

The Federal Office for Social Affairs and People with Disabilities, which functions as assisting and/or deciding authority by the Compensation-Directive 2004/80/EC, is available for any personal, telephonic or written advice concerning financial compensation according to the Victims of Crime Act.

It also offers basic informations about compensation - systems in other Member States – as seen at the link below.

[https://e-justice.europa.eu/content\\_if\\_my\\_claim\\_is\\_to\\_be\\_considered\\_in\\_this\\_country-491-en.do?clang=en](https://e-justice.europa.eu/content_if_my_claim_is_to_be_considered_in_this_country-491-en.do?clang=en)

All general victims' rights in criminal proceedings (§§ 66 to 67 Criminal Procedure Code = CCP) and thus in particular the right to information on the essential rights of victims pursuant to § 66 para. 1 no. 3 CCP, are available to all victims regardless of their place of residence or any other requirements. In particular, victims residing outside the state of proceedings as well as victims residing in the state of proceedings are entitled to translation assistance through interpreting

services pursuant to § 66 para. 1 no. 5 CCP, if they do not have (sufficient) knowledge of the language of proceedings.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

Applications for compensation after the Victims of Crime Act also regarding victims of terrorism in cross border situations can be handled according chapter 1 of the Compensation Directive.

Nevertheless in cross-border situations victims often apply directly for compensation at the deciding authority.

There have only been a small number of cross-border cases in Austria where a government-to-government cooperation has been necessary and there have not been any cases in Austria of victims of terrorist crimes in the EU Member States. In government-to-government cooperation-cases the Federal Office for Social Affairs and People with Disabilities functions mainly as deciding authority.

The experience in cooperation with Member States so far has been quite variable. For example in one case there has been already the initially problem, that the required application form wasn't available online and a delayed reply of the competent authority led to a missed deadline for the application for compensation. It could also be experienced, that some applications for compensation from other governments were passed on, although the crime that happened has clearly been a negligent act or the committed crime carries a sentence of six months or less and therefore there is no entitlement to compensation according to the Austrian Victims of Crime Act. Overall it could be observed, that government-to-government cooperation led to longer proceedings.



**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

As already mentioned above, comprehensive and specialised information about the possibility of compensation for crime victims (including victims of terrorism) is provided by various authorities, bodies and organisations in Austria and the applications for compensation can further be handled according to the Compensation Directive.

Once an application for compensation is filed, the victim or an authorised representative will be fully informed by the Federal Office for Social Affairs and People with Disabilities which losses and expenses can be covered by the compensation in Austria (Victims of Crime Act).

If the crime occurs in a Member State and the victims habitual residence is in Austria the application for compensation can be filed at the Federal Office for Social Affairs and People with Disabilities, which functions as assisting authority. The assisting authority then supports the applicant in filling out the necessary forms and passes on the documents to the deciding authority. If more information is authority will get in contact with the applicant and will pass on the additional information again directly to the deciding authority.

Through the annual conclusion of support contracts with more than 40 specialised victim support associations, the Federal Ministry of Justice ensures that victims (in particular victims of terrorism) receive comprehensive support in the form of psychosocial and legal process support from the time of reporting the case to the legally binding conclusion of the court proceedings.

Psychosocial support for the proceedings includes the preparation of the person concerned for the proceedings and for the emotional stress associated with the proceedings as well as accompanying the person to questionings during investigation proceedings and at trial; legal support for the proceedings includes legal advice and representation by an attorney.

The Federal Ministry of Justice also finances the Management Center for Victim Support (MZO), which is operated by the Center of Legal Competence (CLC) – Forschung & Consulting GmbH on the legal basis of annual grant agreements. The CLC – Forschung & Consulting GmbH has been a member of the Association of the European Network on Victims' Rights (AENVR) since 2017 and assumed the function of a Single Contact Point for Austria in the Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism in the Council of Europe Committee on Counter-Terrorism (CDCT) in 2019. This will ensure the networking necessary in cross-border cases.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

Immediate financial assistance (immediate emergency aid payments) is not provided by the Victims of Crime Act.

In cases where the crime and injuries of a person are clearly defined, the situation is straightforward and an immediate financial assistance can be provided for example personal injury compensation (pain and suffering) or the costs of crisis intervention.

If there is an urgent need for financial assistance advanced payments on benefits listed in the Victims of Crime Act can be provided. It must be likely that the claim is well-founded.

If the crime is committed abroad only persons who can receive similar state compensation under foreign legal regulations are excluded from compensation under the Victims of Crime Act to this extent. If the foreign compensation does not reach the Austrian level or if no service is provided or possible, a (partial) claim still exists according to the Victims of Crime Act. If the crime took place in Austria, compensation from other Member States is not taken into account.

## **BELGIUM**

### ***1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?***

- In the aftermath of the terrorist attacks in Brussels, the reaching out of the judicial victim support services to victims not residing in Belgium to inform them on their offer of services, was mainly done via a contact point of the Ministry of Foreign Affairs (in the Crisis Centre) and afterwards directly via the concerned embassies in Belgium. The objective of this first contact is to inform them about the existence of the service of judicial victim support and the possibility for the victims to get in touch with this service for every question related to the judicial procedure and their rights.
- Also in the aftermath of the terrorist attacks, general information on the Belgian judicial system and the provisions for victims, was given via contact points of the ENVR that contacted the Belgian contact point of the ENVR.
- In the aftermath of the terrorist attacks in Brussels, a single contact point was created within the Commission for financial support to victims of violent crime.
- In a later stage, and taking into account the involvement of different authorities on different competence levels and the experiences following the aftermath of the terrorist attacks in Brussels, it was decided to create a Central counter for victims of terrorist attack and major disasters (a central national and international contact point) within the Victim's Unit of the Federal Public Prosecutors Office. A cooperation agreement was signed between all the involved authorities in May 2019.

This central counter is a close partnership that can be activated in case of terrorist attacks or major disasters that will function as a central contact point and a signpost for victims. The collaboration concerns the Victim's Unit of the Federal Public Prosecutors Office, the 'coordinators aftercare' of the Communities, the judicial victim support services and the recognised victim support services. Depending on the concrete circumstances of the case, the collaboration can be extended to other partners that can contribute to the information and aid offer to victims. The Central counter is reachable via centralised channels ([nationalvictimsunit@just.fgov.be](mailto:nationalvictimsunit@just.fgov.be)), the website is under construction.

- Recently (beginning of July) a website dedicated to Belgian victims of terrorist attacks abroad was launched (<https://www.attentatsetranger.be/>), on the express demand of this category of victims. This website contains also useful information for other categories of victims. This website was elaborated in close cooperation with the associations for victims of terrorist acts and some of the victims of terrorist attacks abroad, and will be guiding for the elaboration of the general website of the central counter.
- The existence within the Federal Public Prosecutors Office of the Victim's Unit, has the plus that this unit combine both experience in international affairs as experience in victims issues.
- As it might take years before next of kin and victims have access to the case file, information was shared by the investigation judge, the police officers and the experts involved in the case during 2 information sessions. These were held behind closed doors (6 months and 2 years after the attacks) and strictly reserved to victims being civil party in the Belgian procedure. These sessions were recorded and remain available in the case file.
- Specifically for financial support to victims of terrorist acts, according to articles 40 and 40bis of the Law of the 1<sup>st</sup> of Augustus 1985 (as modified by the law of 13 January 2006 transposing the Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims), the Commission for financial support to victims of violent crime is able to forward information rapidly and to pass on offers of assistance to her counterparts in any other Member State following the provisions of the above mentioned directive.

***2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?***

- After the terrorist attacks in Brussels, the Federal Public Prosecutor's Office took the initiative to assign the judicial victim support services to organise meetings with the families of the deceased victims and the pathologists and the DVI team (Disaster Victim Identification Team of the Federal Police). These meetings were an opportunity for the relatives to ask specific questions to the pathologists (who have performed the autopsies) regarding the circumstances of death of their relatives, the causes of death, the exact place where their relatives were at the time of death, etc. The DVI team could then explain how the identification of their relatives was performed. For the victims not residing in Belgium, similar exchanges were organised via Skype, with the help of the local police services and the Federal Public Prosecutor's Office and within the limits of linguistic possibilities.
- Furthermore, when the investigation judge gave access to the footage of surveillance camera's (who were seized during the enquiry), these images were shown 'on request' to relatives and victims under the condition that were registered as party in the penal case. The relatives and victims could rely upon the judicial victim support service for assistance during the viewing of these images.
- Although some formalities had to be met, there was no necessity to use official request for legal assistance (MLAT's) or letters rogatory ("commissions rogatoires") to offer victims these possibilities.
- The Ministry of Foreign Affairs and the foreign embassies in Belgium proved to be very helpful in numerous cases, as well as liaison magistrates and liaison officers of the police services. For example, a quick restitution of personal belongings of the deceased victims to the next of kin could be organised via their interventions.
- The use of existing appropriate channels such as EUJ and EJM if direct contacts are not sufficient or not known.

- An important point, not only from an investigative point of view but also from victim's perspective, is the possibility of starting support inquiries in the home countries of the victims. By doing so, one can more quickly and more effectively monitor the interests of the victims then via the classic channels of mutual legal assistance. The use of this possibility depends on the criteria of extraterritoriality of the member states and the (pro-active) reflex to open own inquiries in parallel.

***3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?***

- In Belgium, several services are involved in offering assistance to victims, all within their own competences. Their interventions are differentiated and complementary. To assure an overall support to victims, these services collaborate on a regular basis and coordinate their actions in a structural way to improve their way of working on a permanent and practical basis.

1. The services of judicial victim support

In collaboration with the national victim's unit of the federal public prosecutor's office, the services of judicial victim support offer victims and their relatives specialised assistance related to the judicial procedure. These services are state services, which depend on the three communities of Belgium. Their missions are: to inform, to assist and to accompany victims in the course of the criminal proceedings, regardless of whether they are victims of a terrorist attack in Belgium or abroad and whether or not they reside in Belgium or abroad. These services are therefore also intended for 'cross-border victims' by adapting, as far as possible, their interventions and the means to realise this mission in regards to the specific needs of these victims.

The intervention of the services of judicial victim support is free of charge and there is one such judicial victim service per judicial district.

More specifically:

- The service of judicial victim support provides general **information** on the course of the proceedings and on the rights of victims in Belgium. They can also help Belgian victims of residents of terrorist attacks abroad to collect information on the country where the event occurred. As far as possible, taking into account the information that can be communicated by the foreign authorities, this service can also help to understand the proceedings abroad, the evolution of the investigations and the decisions taken by the judicial authorities.

If the victim wishes so, the service can act as intermediary with the magistrate of the Federal Public Prosecutor's Office, and the investigating judge in charge of the case in Belgium, and thus transmit the questions and the concerns of the victim to these magistrates (concerning the investigation and the judicial procedure, whether these are taking place in Belgium or abroad) and the answers. Naturally, when the investigation and proceedings are taking place abroad, the available information will depend on the foreign authorities and the competent services locally.

- If the victims so wish, the judicial victim support service can also **assist the victim in the various stages of the procedure**, that is, to accompany them and provide them with emotional support. For example, the service can support them in their contacts with Federal Public Prosecutor's Office, and the investigating judge when they consult the case file, when they receive seized objects or during any court hearings that would take place in Belgium or would be retransmitted in Belgium. Following the attacks in Brussels, the judicial victim support service was also present for the meetings with the pathologist and the DVI-team (see also answer under question 2) in order to provide support to the relatives of deceased. When the legal proceedings take place abroad, the possibilities for assistance and support depends on the foreign authorities and the competent local services.
- The judicial victim support service can also inform the victims on other types of support from which they may benefit such as psychological support, legal advice or financial support (including, and to the extent of the information available, if the support is located abroad). If necessary, they can **refer** victims to the competent services according to their needs and the difficulties encountered and support victims in their contact with these other services.

Besides what is mentioned above, the following good practices were developed in collaboration with the national victim's unit of the Federal Public Prosecutors Office with the aim to adapt to the specificities of cross-border situations:

- In the first weeks following the terrorist attacks in Brussels, contacting the victims residing abroad was done via a contact point that was created within the Ministry of Foreign Affairs to manage these contacts (see also the answer under question 1);
- The organisation of information sessions on the ongoing procedure by the national victim's unit of the Federal Public Prosecutor's Office, in the presence of the services for judicial victim support;
- Re-contacting the victims or their relatives of the terrorist attacks by the judicial victims support services at each new stage of the procedure (via the embassies of the concerned countries for the victims residing abroad);
- The retransmission of the court hearings that take place abroad in an office of the Federal Public Prosecutor's Office, in the presence of the judicial victim support office to support the victims;
- The presence of the judicial victim support service at the commemoration ceremonies for the terrorist attacks in Brussels, organised annually;
- The organisation of information sessions on financial aspects for the victims of terrorist attacks (in Belgium and abroad) in the presence of the judicial victim support services;
- The organisation by the Minister of Justice of an information session specifically for Belgian victims or Belgian residents of terrorist attacks abroad, in the presence of all the concerned services, including the services for judicial victim support;
- The organisation of support for the Belgian victims and the victims residing in Belgium with a view to the trial of the terrorist attacks in Paris (via the national victim's unit of the Federal Public Prosecutor's Office in collaboration with the French authorities);
- Despite the enormous costs, a translation of the most relevant documents of the judicial inquiry into several languages, (other than mandatory Belgian national languages) was made , based on the languages spoken by the majority of foreign victims ( e.g. Spanish, Italian ,Polish etc..).



## 2. Victim support services

Victim support is implemented by the victim support services, recognised and / or subsidised by the Communities, independent of the police and judicial authorities. The general mission of these services is to provide social and psychological assistance to victims of crime and their relatives.

These services provide **free** social support aimed at restoring the living conditions of the victim and reintegration into work life or a psychological support adapted to the needs of the victims in order to help them find a new life balance. This support can be of short time or long term, depending on the needs of the victim. The interviews are organised according to the needs and the mobility of the victims: they can be organised in a room that offers the guaranteed discretion or, if necessary, in the victim's home or another place (e.g. an hospital) and even via phone. When the victim wishes so, he/she can be accompanied by a representative/employee of the service when effectuating certain steps (e.g. doctor's visit, visit to a police station). When needed, the victim is referred to more specialised organisations (e.g. for psychotherapeutic support).

### More specifically:

With regard to interventions vis-à-vis victims of terrorist attacks in Belgium or abroad, the victim support services have carried out specific missions with regard to the victims, regardless of whether they are Belgian residents or not:

- A greater number of procedures, telephone interviews and letters with a view to guide, accompany and support these victims in their reparation procedures as well as to facilitate the return of non-residents to their home country;
- A greater number of telephone interviews with disabled victims unable to travel;
- Support for victims during experts examinations of insurance companies and during the reconstruction of the facts;

- Accompany victims and their relatives during ceremonies to reopen the scene of the attacks, the inauguration of a monument in memory of the victims and the commemoration ceremonies for the terrorist attacks in Brussels that are annually organised;
- The establishment of support groups specific to the victims and relatives of the victims of the attacks (in Wallonia);
- Organisation of psychological debriefing sessions with professionals who took care of the victims of the terrorist attacks;
- Contacts with foreign governmental services in order to organise the care of foreign victims of the terrorist attacks in Brussels.

***4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?***

A very quick financial assistance can be provided to victims of terrorism through new provisions of the law of the 1<sup>st</sup> of August 1985 (as modified by the Law of the 3<sup>rd</sup> of February 2019), within 2 at 4 weeks after their application, which can be seen as an “almost immediate financial assistance”.

Financial aid is subsidiary, this means that a financial aid will only be provided by the Belgian State when there is no other means of compensation or of financial support. This includes the financial aid given by another member state. Belgium will, of course, respect the priority-rule settled by article 2 of the Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

No differences will be made between victims following their nationality.

## **BULGARIA**

- 1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that in the event of a terrorist attack it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

In accordance with the National Plan on counteracting terrorism, adopted by a decision of the Council of ministers and implementing the provisions of the Act on the Management and Functioning of the System of National Security Protection and of the Counter-Terrorism Act, the Ministry of Foreign Affairs is responsible for the communication with other States and in the eventual event of a terrorist attack MFA will be informed and will be in charge of the correspondence with other States and their representations in Sofia. The EU, NATO and partner organisations' structures will be notified accordingly.

- 2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

Bulgaria is not able to share best practices, because our authorities have not encountered such cases.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

According to the Crime Victim Assistance and Financial Compensation Act the Ministry of Interior authorities, investigators and victim support organisations shall immediately inform foreign nationals who are victims of crime, including terrorism, in the Republic of Bulgaria, about their rights in a clear manner and in a language which they comprehend.

A similar procedure is followed regarding people who are victims of crime in another country. They will be informed fully about the services to which they can turn in such cases.

The National Council for Assistance and Compensation to Victims of Crime under the Ministry of Justice shall turn to the competent authorities in other countries for assistance in cases where Bulgarian nationals are victims of crime abroad, and shall provide assistance to nationals of other countries who reside in the Republic of Bulgaria, in order to make available the forms of assistance referred to in the Crime Victim Assistance and Financial Compensation Act (medical treatment; psychological counselling; free legal assistance; practical help).

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

Pursuant to the Crime Victim Assistance and Financial Compensation Act every person who is a victim of terrorism has a right to compensation according to the general rules for compensation of victims of crime. Although there is no special scheme to compensate financially victims of terrorism immediately after the terrorist attack has been committed, all guarantees provided for in the special Crime Victim Assistance and Financial Compensation Act are also explicitly provided for the victims of terrorism.

## CROATIA

**1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

In the case of terrorist attack General Police Directorate of the MoI of Republic of Croatia as competent authority will use channels for international police cooperation on exchange of information on foreign nationals victims of terrorism. Other MS's used same model for informing other MS's on their nationals – victims of terrorist attacks during terrorist attacks in Europe.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

When 2015 ISIL affiliate organization Sinai Vilayet kidnapped Croatian citizen we received information through Interpol channel. All communication and cooperation with Egypt authorities on kidnapping case was organized through Interpol channel.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

In the case of terrorist attack in the coordination with other responsible authorities a physical reception facility can be established. Physical reception facility for victims in the case of terrorist attacks would be established by State Administration for Protection and Rescue and could be composed by civil society organizations (etc. Red Cross)

Since 2015, in the Ministry of Foreign and European Affairs Commission for Crisis Situations has been established. The commission meets as needed and one of these situations would be a terrorist attack in another country. The Commission contacts the Croatian Embassy in the country concerned, provides instructions for its work and takes other necessary actions, depending on the assessment of the situation. The competent Croatian Embassy, in case of need, provides consular assistance to Croatian citizens who live or find themselves in an area affected by a crisis situation.

The State Protection and Rescue Center collects, through the relevant County Centers 112, all information related to the occurrence of an incident involving a terrorist attack by collecting basic information about the event, location, consequences. They do not collect any information about the identity of any person killed. Identification of the injured persons is carried out in accordance with the competencies of other state administration bodies (Ministry of the Interior, Ministry of Health, ...). All available information on victims of terrorist attacks - foreign nationals is submitted in accordance with the prescribed procedure to the Ministry of Foreign and European Affairs and the Ministry of the Interior, which, following their procedures, forward those information to the diplomatic and consular missions of relevant countries (according the residence of the victims).

There are no specialised forms of Support to victims of terrorism, there are developed forms of support to victims of all types of crime due to the activities of Ministry of Justice and Public Administration.

The Service for Victim and Witness Support of the Ministry of Justice and Public Administration provides emotional support and practical information to victims and witnesses and information to victims summoned by mutual legal assistance. They provide information about their rights in criminal proceedings (procedural information) and competent services where they can obtain other forms of assistance (legal, psychological, financial, counselling) for all criminal offenses.

Victim and Witness Support Offices at the courts provide emotional support, practical information and information about victim's rights, to victims of all criminal offenses. Information and support are available by the phone, e-mail and in direct contact at the court premises.

Civil society organizations financially supported by the Ministry of Justice and Public Administration:

National Call Centre for Victims of Crime - 116 006 (NPC) uses a number standardised for victim support across the EU: 116 006. It is an anonymous and toll-free number which provides emotional support, legal and practical information to victims, witnesses and their family members. The service is available in both, English and Croatian. It is a helpline for general support to all who have fallen victim of crime, including victims of terrorism. National Call Centre is a part of an NGO called Victim and Witness Support Service Croatia.

Network of Support and Cooperation for Victims and Witnesses of Criminal Offences provide support to citizens throughout the Republic of Croatia. The Network members provide information on the victim's rights, emotional support and psychological and legal counselling for victims, and escorts to courts and other relevant institutions.

All mentioned services are free of charge and confidential.

For more information: <https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

There is no immediate financial assistance but there is a Act on Liability for Damage caused by Terrorist Acts and Public Demonstrations. The Republic of Croatia is responsible on the principles of social solidarity, equal bearing of the public burden and fair and quick compensation for the damage caused by Terrorist Acts and Public Demonstrations. The claim for damages caused by Terrorist Acts and Public Demonstrations should be submitted by the injured party to the State Attorney's Office of the Republic of Croatia. The responsibility for the compensation for damages according to this Act shall exist independently of whether the damaging party is determined, prosecuted or found guilty. According to this Act, the injured parties are those persons to whom

damage is inflicted, as well as persons to whom damage is caused by prevention of a harmful act or providing assistance to victims.



## CZECH REPUBLIC

**1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

With regard to practice, it is important to note that terrorist attack (i.e. terrorist offence involving victims and/or damage and disruption) taking place in the Czech Republic will be handled by the Integrated Rescue System (IZS). The core elements of IZS include firefighters, police and emergency medical providers. IZS is coordinated by the Ministry of Interior, including nation-wide and cross-border crises; regional elements coordinate more localised crises. Central or regional operational centres of the firefighters coordinate operative actions. The firefighters may process personal data including sensitive data and provide such personal data to the Police.

According to Section 80a(1) taken together with Section 80(1) and Section 89 of the Act on Police the Police can – even without a request – forward or make available both information about deceased persons and personal data of living victims to competent authorities of other Member States, because the relevant purposes include either general cooperation in performance of police tasks (such as protecting people) or combating crimes and safeguarding internal security, including the search for persons. According to these Sections, the data of both living and deceased victims can be forwarded.

Both the Police and the firefighters are mandated to provide international and cross-border cooperation; details may be stipulated in agreements with respective countries.

One of the supporting measures offered to victims is an online registry (the Registry of Victim Support Providers). It is publicly accessible and contains contact information and brief description of most of the relevant entities providing victim support (centres of the Probation and Mediation Services; accredited NGOs providing legal information, restorative programs to victims and psychosocial advisory; attorneys providing legal aid to victims).

This registry should help victims to find the most suitable support provider for them. Once the police authority comes into first contact with a victim of crime, it informs him/her about the available support services, at which specific authority he/she can obtain other information on matters, conditions to obtain the monetary assistance and instruction. Same conditions apply also to victims who reside in another Member State.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

The Czech Republic cooperates within the Association of the European Network on Victims' Rights with other 16 Member States. The AENVR operates a website with a public access for awareness raising, organizes expert meetings and seminars and mutual study visits between Member States authorities for better learning and enhancing cooperation. All of this should help with sharing of existing good practices and more effective coordination in cross-border cases. It should be noted that there is very small number of terrorist offences taking place in the Czech Republic and that the two actual terrorist attacks (carried out by single perpetrator) to date have not caused direct harm to any victim. Thus, the experience with providing support to victims by IZS derives from other types of primarily domestic disasters, such as floods or train, fire or industrial accidents.

Medical (emergency) care is provided primarily by the emergency medical providers, supported by other IZS elements (for more details please see answer to question 1).

As far as short-term crisis intervention is concerned, the firefighters and the Police in between them have trained hundreds of intervention specialists and dozens of psychologists who may be called to provide psychological and/or social support and help for victims and families, depending e.g. on the location. For longer-term psychological help, the victims would be referred to clinical psychologist care in the framework of standard public health system. In practice, humanitarian NGOs such as Czech Red Cross are sometimes involved as well.

Considering the fact that the Czech Republic registers no cases of terrorist attacks there has not been developed best practice in government-to-government cooperation yet.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

(On practical support please see answer to question 2)

One of the supporting measures offered to victims is an online registry of victim support providers which is publicly accessible (for more information please see answer to question 1).

In the Czech Republic, there is no special law for the victims of terrorism. However, there is a general Act no. 45/2013 Coll., on Victims of Crimes, as amended particularly by Act no. 56/2017 Coll., which guaranteed enhanced rights to victims of terrorism. A victim of terrorist attack is recognized as a particularly vulnerable victim. These victims have specific rights in order to ensure their higher protection from secondary victimization which consists of professional psychological, social, legal or other assistance free of charge. All the victims have following rights:

- a) preventing contact of the victim with the offender;
- b) interviewing victim in an especially sensitive manner and with regard to the specific circumstances by a person with the relevant training;
- c) translation of substantial papers and documents specifically for victims in cross-border situations who do not speak Czech language;
- d) victim must also be informed in an understandable manner (according to his or her age, intellectual and moral maturity, literacy and health condition including psychological state);
- e) some of the most important information (such as the authority at which the notification on facts suggesting that a crime had been committed, to which entities filed in the registers of providers of assistance the victim can turn to,...) must be provided both in writing and orally. Information to victims are provided in a language they claim to understand or in the official language of the state of which they are citizens.

Moreover, regular exercises of the integrated rescue system are held in each region. The exercises include, among other things, checking the preparedness to ensure a comprehensive response to the needs of the victim immediately after the terrorist attack. The police has a methodology that also includes the issue of victims of terrorism and how to treat them right after the attack.

Section 12 together with Section 7(1)(b) of the Act on Use of Money Coming from Criminal Sanctions of Confiscation of Assets or Pecuniary Penalty Imposed in Criminal Proceedings provides for the possibility to transfer 2% of money, which comes from imposed criminal sanctions of confiscation of assets or pecuniary penalty, to Probation and Mediation Service in case that claims of victims from the given criminal proceedings have been satisfied. Probation and Mediation Service may use such money for providing help to other victims.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism?**

**In this context, will benefits provided in other Member States be taken into account?**

The Act on Victims of Crimes provides for immediate financial assistance; professional assistance and legal aid is guaranteed free of charge. Under Act on Victims of Crimes, victims have the right to one-time monetary assistance to cover the worsened social situation caused to the victim by the crime. Assistance is provided if non-pecuniary damage, injury to health or damage arising in consequences of death caused by the crime were not fully compensated.

The compensation is provided by the Ministry of Justice based on an application of the victim which must be requested no later than within two years from the day when the victim learned of the damage caused by the crime, but by no later than within five years since committal of the crime.

Under Act on Use of Money Coming from Criminal Sanctions of Confiscation of Assets or Pecuniary Penalty Imposed in Criminal Proceedings, victims have the right to be compensated if non-pecuniary or pecuniary damage was caused by the crime and offender was punished by confiscation of assets or pecuniary penalty. The compensation for the victim is paid either from pecuniary penalty or proceeds from selling the confiscated assets or proceeds or instruments were forfeited in such criminal proceedings.

Ministry of Justice also decides on providing monetary assistance to persons who reside in another Member State if they became victims of criminal offence within the Czech Republic. In other cross-border cases, the Ministry is obliged to assist victims for meeting the requirements of the application in the Member State where the crime was committed.

## DENMARK

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

Denmark assists foreign and non-resident victims on a case by case basis. Necessary immediate emergency assistance will be provided no matter the nationality of the victim. The Danish authorities and the embassy of the victim's State based in Denmark will be able to guide and help the victim.

If a terrorist attack occurs outside of Denmark, the Consular Department in the Danish Ministry of Foreign Affairs - often in close collaboration with other Danish authorities - assists Danish nationals and persons with legal residency in Denmark. Assistance is also provided to Nordic and EU citizens if they do not have their own embassy or consulate in the country where the incidence occurs.

### **2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

Denmark does not have much experience in handling terror attacks with a large amount of victims on Danish territory. The terror incidents of 2015 did not affect any international victims.

The Danish National Police have experienced, that in an incident, it is vital to adapt the communication to the amount of international victims involved. This applies to both the interpretation assistance to involved international victims and to press conferences and announcements. Furthermore, it is vital to rapidly enable contact to the international representation, whose citizens may have been affected by the incident.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

If a terrorist attack occurs in Denmark, and there are international victims involved, the local police will coordinate with other relevant police districts. Besides, the National Operative Staff (NOST) will coordinate on a national level. NOST ensures that the government's crisis management and relevant authorities continuously are in possession of necessary information on the specific case.

The authorities are responsible for managing their own activities and for information regarding the political level.

In this context, NOST

- enables and ensures a common understanding regarding the current situation and the possible future scenarios in a specific situation, so that NOST is prepared for the development of the situation
- determines the general direction of the measures taken in the crisis management, and expresses the goals of the cross-sectorial co-operation.
- ensures that the relevant sectors and the crisis management organizations are informed of the above-mentioned general agenda, so that the authorities can make the necessary decisions in a quick and effective manner.
- functions as a connecting link in two manners: horizontally, meaning between governmental authorities, and vertically, meaning within the country, regional and locally in order to
  - o ensure an active co-operation and efficient strategic coordination of information, actions and use of resources across authorities and levels in preparation for
    - ensuring that the resources meet the needs in a crisis and
    - supporting the best possible use of resources, so that the consequences of an extraordinary incident are restricted to the minimum, and so that society as soon as possible can return to a normal situation, including implementation of re-establishing initiatives.

- coordinates the national cross communication from authorities to citizens and the media, including ensuring that the involved authorities give action plans, so that the citizens can take care of their own safety and health.

International victims and Danish victims will be treated equally, although the authorities will adapt their management of the situation if there is a large amount of international victims involved.

Consequently, it will be decided whether there is a need of communication in other languages based on a specific assessment, and the communication will be adapted to the nationalities affected by the incident, for example if there are many international tourists in the affected area.

Additionally, the police are responsible of contacting the relevant embassy or consulate if international citizens are victims of terrorism or another incident. This will happen within the NOST framework. The police can request the Ministry to assist in contacting the relevant embassy and consulate.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

There is no regulation providing financial assistance for victims of terrorism in particular. However, according to the Act on State Compensation to Victims of Crime compensation and damages for personal injury is awarded to victims in general, even if the offender is unknown. Furthermore, compensation and damages is awarded to relatives of the victim, if the victim dies.

Victims of terror acts committed outside Danish territory are entitled to compensation and damages from the Danish State for personal injury, if the victim is a Danish resident or a Danish national or at the time of the offence in the service of a Danish foreign mission.



## ESTONIA

**1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

In the event of a terrorist attack, exchange of information takes place as a result of cooperation of National Social Insurance Board (especially Victim Support Department) and ministries of Justice, Interior, Foreign affairs and Social affairs as well as embassies. Aforementioned institutions have established a network of connections, both foreign and domestic, which are used to forward the information to the right recipient as soon as possible.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

Estonian citizens have fallen victims of terrorism abroad, there have been no instances of terrorist attacks in Estonia. We have not had a lot of experience in cooperating with other member states governments regarding supporting victims of terrorism. Should such an emergency arise, the State institution Social Insurance Board (sub-organisation of the Ministry of Social Affairs) acts as the contact point for cooperation and victim support. Estonia is also a member of the [ENVR network](#)/association, which has directed its attention to cross-border cooperation for providing victim support, incl. cases of terrorist attacks. In 2019 ENVR primarily focused on providing better support to victims of terrorism going beyond the directive on combating terrorism and developing the best practice of special support systems in countries that suffered terrorist attacks.

From the experience Estonia has had with terrorism victims, it has been noticed that being involved in the process is difficult for victims, their relatives and even for the involved state authorities. Sending and receiving updates on their duties, getting information on results and upcoming actions etc has proven to be complicated. Victims frequently have no clear information about the status of ongoing processes abroad and have to make effort to keep themselves posted on the long lasting process. The communication through single contact point is therefore very helpful in order to receive information faster.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

Support for all the victims of violence and crime is provided by the Social Insurance Board, rules and regulations for which are set in the Victim Support Act. Social Insurance Board Specialists are located all over Estonia. Crime victims can receive help from the specialists of the Victim Support Department of the National Social Insurance Board. The service is free of charge. Also a free national victim support Hotline that is available 24/7 (116 006) has been established, as well as online chat at [www.palunabi.ee](http://www.palunabi.ee) (counselling is available in Estonian, English and Russian). Help is provided even if the perpetrator of physical, mental, or sexual violence is unknown. Victim support service provides emotional support, shares information about the options of getting help, and guides victims in communication with other authorities. It is also possible for the victim to remain anonymous upon approaching victim support Centres, however applying for compensations and services requires submitting personal data. Victim support centres ensure the confidentiality of victims. In addition to general victim support service, victims of terrorism can receive professional psychological counselling for as long as the need exists. This help is also organised via the national victim support service.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

According to the Social Welfare Act, the local government has a number of obligations towards people who have run into problems on the territory of the local government. Providing immediate shelter, food, clothing and filling other primary needs is the responsibility of the local government. A state compensation scheme has also been set, according to which the victims of crimes are paid state benefits if the crime resulted in an severe bodily injury or a health problem that persisted for at least four months. Compensation is also paid if the victim was killed as a consequence of the crime. The benefits are paid by the Social Insurance Board.

Compensation shall be paid to victims of crimes of violence committed in the territory of the Republic of Estonia and to their dependants. Likewise, the person who bears the expenses relating to the medical treatment or funeral of a victim has the right to be compensated for the expenses pursuant to the Victim Support Act. The following persons are entitled to compensation:

- Estonian citizens;
- persons residing in Estonia on the basis of a residence permit of a long-term resident, a temporary residence permit or the right of residence;
- citizens of the European Union;
- citizens of a state which is a party to the European Convention on Compensation of Victims of Violent Crimes;
- persons enjoying international protection staying in Estonia.

Under the Victim's Assistance Act, 80% of the material damage is indemnified, but no more than 9590 euros total for one victim and all of his or her dependents. The prerequisite for applying for the benefits is that a criminal case must be opened, and victim must contact the Social Insurance Board (regional client service or victim support specialist) to submit an application for compensation. Benefits provided by other schemes in Estonia (such as personal insurance or Health Insurance Fund for example) or in other Member States are taken into account.

## FINLAND

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

In Finland, multi sectorial working group has been appointed to develop information material for the needs of victims of terrorism and their family members. The working group will, by the end of December 2020, draft a proposal of the material that includes information about victims' rights, assistance and support services and about the compensation systems available. The group must come up with a proposal of publishing the information material, taking account different communication channels (e.g. website, social media, and brochure) and responsibilities of authorities. The proposal must take into consideration foreigners who have become victims in Finland, and those who live permanently in Finland but have become victims abroad, and their family members. The group must also evaluate the need of a specific helpline for victims of terrorism.

In addition, the working group must give a proposal regarding the national contact point according to the Council Conclusions on victims of terrorism (9719/18), responsible for provision of information concerning the available support, assistance, protection and compensation system for victims. Finland has already nominated a national contact point for the Network of Contact Points for the exchange of information regarding the legal standing of victims of terrorism (Council of Europe Committee on Counter-Terrorism, CDCT(2019)01). Moreover, Finland is part of the Association of the European Network on Victims' Rights, AENVR. These networks are important in cooperation and information exchange between member states.

Immediate relief operations can be coordinated through the CoOL (EEAS Consular Online Portal) and through communication between COCON (Working Party on Consular Affairs) members. The Nordic countries also co-operate with each other to forward information. As national measures, Finland has comprehensive 24/7 on-call arrangements and cooperation between authorities that ensures the rapid transmission of information.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

In Finland, everyone is entitled to same level of acute help and support regardless of the country of residence. This also applies to the compensation systems available. The national authorities will also inform the home country of the victim in order to ensure the continuity of the support. If necessary, an interpreter will be assisting the interaction with the victim.

There has fortunately only been one terrorist attack in Finland. Based on the experiences gained from this occasion, coordination is important when contacting the embassies of victims. Therefore, cooperation with the Ministry of Foreign Affairs is also important. In the terrorist attack that took place in Finland, foreign victims had national attorneys, which in our experience was helpful in the compensation process. Our national authority for victim compensation (State Treasury) has also received direct inquiries from other member states about the competent national authority in compensation matters. Regarding crises outside Finland, consular Crisis Duty Officer Service Center works 24/7 to respond to consular calls from all over the world. Finland maintains the capacity to assist Finnish communities, Finnish citizens and the foreigners referred to in the Consular Services Act when they need assistance outside Finland's borders. Embassies, the Consular Crisis Duty Officer Service Center and the Unit for Consular Assistance provide assistance for persons in distress. In crisis situations the Nordic countries/ Member States have established consular help desks for example at the airport or in the vicinity of the location of crisis.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

The national crisis support system is based on legislation, which ensures that all the employees are properly trained to work under crises. In the event of a terrorist attack, the Social Emergency and Crisis Center of Vantaa will operate as a specialist authority and coordinate psychosocial support services. Therefore, it would most likely be the authority to also coordinate and organize cross-border psychosocial support in the event of terrorism. The tasks dedicated to the Social Emergency and Crisis Center of Vantaa include establishing a crisis-/evacuation center, contacting the victims and their family members, providing acute social work, opening a national helpline and providing information on social media. Other actors, such as regional crisis centers and NGOs will also provide crisis support in the event of terrorism.

In addition, Victim Support Finland plays an important role in the event of crisis. Victim Support Finland is a general victim service, which is prepared to provide support also to victims of terrorism according to the Victim's Rights Directive and the Directive on combatting terrorism. This includes also cross-border situations. VS Finland is a member of Victim Support Europe (VSE) through which victims can be referred to victim services in other European countries. VSE members also share information of victim's rights and support systems in European countries. It is, however, crucial that the relevant authorities refer victims to victim services in order to ensure that they are aware of the existing support available.

In cross-border situations, the Ministry for Foreign Affairs and embassies provide information about professional assistance in Finland for the victims. Ministry for Foreign Affairs of Finland has a travel notification system to contact travelers in case of an emergency or a crisis situation. MFA can also inform contact details of Vantaa Social and Crisis Emergency Services via the travel notification system. This has been done, for example, in the context of the terrorist attack in Sri Lanka. In addition, Finnish embassies have been instructed to ask victims if their contact information can be passed on Vantaa Social and Crisis Emergency Services so that they can be in direct contact with the victim. The competence of the

authorities is strengthened and maintained through training and practices how to face a crime victim and a person who has encountered a crisis situation.

Regarding cooperation and conveying information among member states, Finland has also recently nominated six national expert members to the EU Centre for expertise for victims of terrorism. These experts include psychologists and other experts specialized in supporting and working with victims in different types of crises.

Please see the answer in the first question for more information about the actions taken to ensure information and support specifically for victims of terrorism.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

There are no specific schemes for victims of terrorism. However, national legislation requires that urgent financial support will be provided (e.g. for accommodation, tickets and clothes) in the event of a crisis and requiring that the victim is unable to otherwise cover his/her expenses. Such an assistance can come, for instance, through a money transfer, through an insurance policy or via the diplomatic mission of the victims' home country. An overall evaluation is therefore made when applying for support. The municipal social welfare authorities assist with the arranging of temporary emergency lodging.

## FRANCE

*(original language French; translation provided by the General Secretariat of the Council)*

**First question** – *Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?*

### **Reply:**

Foreign nationals resident in another Member State who are victims of a terrorist act on French soil are offered the same medical and psychological assistance as victims of French nationality, and are informed about their rights during the crisis stage in the same way. The support systems were established primarily by the joint ministerial order of 11 March 2019 on support for victims of terrorist acts, which is currently being revised (the inter-ministerial cell for victim support became the inter-ministerial cell for information to the public and victim support (Infopublic) since 1 June 2020) and the joint ministerial order of 2 January 2019 on the Orsec-Novi rescue management system for multiple casualties, which includes, amongst other things, the option to set up a family reception centre under the authority of the prefect of the département.

These documents provide in particular that, in the event of fatalities, the National Antiterrorism Prosecution Service will ensure that the consulates concerned are kept informed of any forensic examinations carried out on victims whose bodies are repatriated to other countries.

After the crisis stage the Ministry of Justice (Victim Support Office ‘BAVPA’ established within the department for access to law and justice and victim support, ‘SADJAV’) makes contact with the existing institutional networks (European Network for Victims’ Rights (ENVR), liaison magistrates’ network, diplomatic and consular network) and network of organisations (Victim Support Europe (VSE)) in order to ensure that victims living in another Member State are given long-term support and assistance, in particular through local victim support services (legal information, psychological support). However, France, like other Member States, encounters difficulties in ensuring that the exchange of victims’ personal data takes place securely.



The Ministry of Justice also shares information, through the abovementioned networks, on the rights which individuals are granted as victims of a terrorist act committed in France. This information is also available online in French, English and Spanish on the French government's victim support website ('One-stop victims' information and declaration portal', <https://www.gouvernement.fr/guide-victimes/en-accueil>).

**Second question** – *What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?*

**Reply:**

Given the increased number of terrorist acts committed in France and more generally in the European Union in recent years, but also the significant number of cross-border situations encountered, France has had to establish and maintain relations with other Member States both to tackle common issues linked to support for victims of terrorism and to deal with individual cross-border situations.

During the crisis stage the Ministry of Justice (BAVPA) has for example been able to exchange information on individual situations with Spain and Italy to ensure that victims and their loved ones are supported, particularly by medical and psychological services, but also to pass on information about victims' immediate rights and the steps to be taken promptly.

During the stage of long-term monitoring and assistance for victims of terrorism, good cooperation in particular with Belgium and Spain has also meant that victims of terrorism and their loved ones are not left abandoned when they return to their country of residence, but are well informed about their rights and the services in place to support and assist them (compensation, medical and psychological support, etc.). As an example, the French Ministry of Justice was able to facilitate certain administrative steps being taken by Spanish victims. Moreover, exchanges are currently ongoing in relation to support and assistance for Belgian victims ahead of the major terrorism trials which will take place in France in the next few months.

In practice, information exchange and cooperation between governments takes place directly with counterpart services in Member States (victim support services, victim contact persons at prosecution services) or through liaison magistrates. However, it must be emphasised that the lack of a secure tool for information exchange represents a barrier to smoother and more automatic cooperation between Member States, particularly when it comes to individual situations.

Finally, for information, in 2016 and 2017 the French Ministry of Justice (BAVPA) organised study visits to Belgium and then Spain in order to get to know the parties involved better and gain insight into the existing support systems for victims of terrorism.

**Third question** – *How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?*

**Reply:**

**For foreign nationals (resident in another Member State) who are victims of a terrorist act committed on French soil:**

The public services which support victims of terrorism are free and accessible to all victims, regardless of their nationality or place of residence. When an attack has taken place, a telephone number is activated for people to report a missing loved one or seek information about a loved one, and for victims to find out about their rights and be directed to the deployed support structures, in accordance with their needs:

- a public information unit, set up by the prefect at département level;

or

- a national public information number, in the event of activation of the inter-ministerial cell for information to the public and victim support (Infopublic), in accordance with the joint ministerial order of 11 March 2019 on support for victims of terrorist acts (currently being revised) and the joint ministerial circular of 21 January 2020 on information to the public and victim support in the event of a major crisis on French national territory.

In parallel, the joint ministerial order of 2 January 2019 on the Orsec-Novis rescue management system for multiple casualties provides that the prefect of the département where the attack took place can decide to open a ‘family reception centre’: a single physical location for reception of victims and their families, where they can, in full confidentiality, make themselves known, receive information on their rights and the procedures to be completed, and receive appropriate medical and psychological support, all free of charge. The locally competent victim support organisations are involved in the family reception centre, in particular the contact point organisation for victims of terrorism. At the initiative of the Ministry of Justice, ‘victims of terrorism’ contact persons have been designated and trained in victim support organisations in each département, to allow a faster response and one which takes account of the victims’ specific care needs.

In addition, the French government’s victim support website (‘One-stop victims’ information and declaration portal’, <https://www.gouvernement.fr/guide-victimes/en-accueil>), enables victims of terrorism, wherever they live, to find information on their rights, the formalities and the various bodies involved (victim support organisations in particular) and to carry out their initial procedures online. It is available in French, English and Spanish.

**For French and foreign nationals who are victims of a terrorist act committed in another Member State but whose habitual residence is in France:**

The support systems offered to victims of terrorism in France are also available to French and foreign nationals who are victims of a terrorist act abroad but live in France, meaning that:

- any person who considers themselves a victim of terrorism, whatever their nationality, may be assisted and informed of their rights and receive psychological support free of charge from a victim support organisation registered in France with the appeal courts<sup>1</sup>, and in particular with the contact point organisations for victims of terrorism. The victim support organisations funded by the Ministry of Justice are proactive in offering victims of terrorism support which is tailored to their specific needs, through immediate multidisciplinary care which continues for as long as it is needed;
- any person who considers themselves a victim of terrorism may be supported by the ‘assistance and information space’ set up in the département in which the terrorist act took

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<sup>1</sup> Article 41 *in fine* of the French Code of Criminal Procedure.

place<sup>2</sup>. This space, run by the designated victim support organisation, comprises a multidisciplinary team whose task is to inform victims and their loved ones of their rights, to assist them with the various procedures they have to complete and to offer psychological support, all free of charge and in complete confidentiality. The support and information space also hosts the helplines of institutions or bodies involved in support for victims of terrorism. Several French cities have a support and information space which receives victims of all acts of terrorism.

**Fourth question** – *Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?*

**Reply:**

In general, French law grants the same rights to all victims of a terrorist act committed in France, even if they do not live in France, and in particular grants the right to compensation through the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI)<sup>3</sup>. The FGTI provides full compensation for damages resulting from injury to the person.

The compensation is subject to deduction of social security claims and of any compensation which has been or will be received from other bodies in connection with the same damages. This means that if compensation is paid by another body, even one outside France, the victim must inform the FGTI of the amount (to be) received.

When a terrorist act has taken place, the FGTI's proactive approach allows:

- provisional compensation to be paid in order to cover immediate costs which arise in the few days after the attack (between 24 and 48 hours after).
- In all cases, the FGTI will pay an initial amount at the latest one month after receiving a valid claim from the victim. Additional amounts can then be paid to the victim on the basis of costs incurred or future costs and of the extent of the foreseeable final damages;

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<sup>2</sup> Decree No 2016-1056 of 3 August 2016 creating local committees for follow-up of victims amended by Decree No 2017-618 of 25 April 2017 then by Decree No 2018-329 of 3 May 2018, the implementing joint ministerial circular of 22 May 2018 and the order of 7 May 2018 on assistance and information spaces.

<sup>3</sup> Article 9-I of law No 86-1020 of 9 September 1986 on the fight against terrorism and other threats to national security.

- a possible visit by a team to the location of the attack, even if it is outside France, in order to assist the victims and their loved ones in the preparation of their compensation claim.

## GERMANY

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism<sup>1</sup> and the Directive on combatting terrorism<sup>2</sup> to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

The terrorist attack at the Breitscheidplatz Christmas Market on 19 December 2016 was a turning point for Germany. At the time of the attack Germany had well-developed governmental and non-governmental victim support structures offering financial, psychosocial and practical support already in place. However, the need for a central point of contact that can assist national and foreign victims and other involved actors soon became apparent. The victims and bereaved were in need of a coordinator to help them navigate these different services. As a consequence, in March 2017 the Federal Government Commissioner for the Victims and Bereaved of the terrorist attack at Breitscheidplatz was appointed. In April 2018 the permanent position of the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences Committed on National Territory was established. The Federal Government Commissioner is independent but attached to the Federal Ministry of Justice and Consumer Protection. In the event of an attack, the Federal Government Commissioner acts as a central contact point for those affected by the attack – foreign and national victims – and for all other actors that may be involved in supporting the victims. The Federal Government Commissioner offers or directs the victims to means of financial, psychological or practical support. He or she serves as a contact person not only in the aftermath of an attack, but also offers mid- and long-term assistance. For example, the current Federal Government Commissioner still supports victims of the Breitscheidplatz attack, four years after the attack took place, including foreign nationals in their home country. Moreover, he or she functions as an intermediary to make the needs of victims of terrorist attacks (and other violent offences) visible to political decision makers. Lastly, the Federal Government Commissioner liaises with the actors concerned with victims' interests on a national and European level, including in particular central contact points of other Member States.

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<sup>1</sup> Council conclusions on victims of terrorism, 4 June 2018 (9719/18).

<sup>2</sup> Cf. Art. 26, Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

Germany is an active member in many networks for the support of victims of crime, such as the European Network of Victims' Rights or the Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism of the Council of Europe. In Germany's experience, exchanges of information on victim support in the Member States have proven to be very beneficial. Therefore, we feel that this important work could even be intensified, for example with a network providing regular exchanges tailored to the support of victims of terrorism, in general and in particular in the event of a terrorist attack. Moreover, the Federal Government Commissioner has close contacts and exchanges with other single contact points such as the French or Austrian one, with which study visits were initiated.

As is sadly one of the defining characteristics of terrorist attacks, foreign nationals fell victim both at Breitscheidplatz and in the extremist attacks in Halle in October 2019 and in Hanau in February 2020. In the immediate aftermath of these attacks support was organised together with embassies and consular posts. However, once the victims and their families had returned to their home countries, it proved to be challenging to provide them with continuing support services. It was difficult to find the right national organisations and institutions for the needs of the victims and their families, which could range from local, specialised psychosocial support to financial support to very practical necessities such as a house or apartment designed to fit the needs of disabled persons. In the German experience it can be very important for the healing process of the victims of terrorism that fast solutions are offered and lengthy cross-border (administrative) procedures are avoided.

To this end, it would be very helpful to know a central contact point in all Member States – or the central contact point in the Member State where the attack took place – that has the expertise to direct the victim to the appropriate offers of support once the victim returns to their home country.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims<sup>3</sup> and the Directive on combatting terrorism<sup>4</sup>, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

The German system of victim protection upholds a high standard of victims' rights. Victims of violent crime and terrorist attacks receive financial, practical and psychological support from state actors and non-governmental organisations. Regarding financial support, all victims of terrorism may apply for so-called hardship payments (c. question 4). In addition, they may be entitled to benefits under Germany's social compensation laws: A basic monthly pension independent of income and financial resources is available to the victims and bereaved. Further monthly pension payments dependent on income and financial resources exist to compensate for economic and professional disadvantages to the victims and bereaved. A lump sum is provided for funeral expenses and bereavement payments. Moreover, provision is made for medical treatment, health care measures and welfare benefits (e.g. assistance with participating in employment and integration assistance for disabled persons).

In Germany, victims of crime and terrorist attacks can access psychological support both in the acute phase and as a longer-term measure as required. In case of the terrorist attack in Halle, a 24/7 emergency hotline was set up by the Federal Government Commissioner in order to offer victims psychological stability immediately after the attack. Early treatment can also be provided in out-patient trauma clinics. The cost of special forms of therapy not covered by health insurance schemes may be reimbursed under social compensation law.

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<sup>3</sup> Council conclusions on victims' rights, 4 December 2019 (OJ C 422, 2019, p. 5).

<sup>4</sup> Art. 24, Art. 26 Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.



Criminal proceedings can sometimes cause distress to victims of crime. Different support services available at the regional, *Land* and federal levels provide assistance to victims before, during and after criminal proceedings. Psychosocial support services provide professional assistance especially during criminal proceedings. Under certain conditions and if approved by the court, psychosocial support services are provided to victims free of charge. This applies especially to children and young people who have been victims of violent or sexual offences, but may also apply to adult victims of serious violent or sexual offences.

Because of the different support services available at the regional, *Land* and federal levels, easy access to information is crucial for victims to be able to exercise their rights and obtain the support they need. With special information materials, victims are informed as early as possible about their rights and where to get help. Multilingual and victim-friendly information sheets are distributed, which provide all relevant information after a criminal offense or a terrorist attack. In order to further improve the information possibilities, the Ministry of Justice and Consumer Protection is currently in the process of setting up a website containing detailed and up-to-date information regarding victims' rights, support services and available compensation. It should go online in autumn 2020.

With regard to support services, all victims of violent crime are treated equally regardless of nationality and residency status.

For national and foreign victims of terrorist attacks the Federal Government Commission serves as a central contact point that offers or directs the victims to all means of financial, psychological or practical support. The Federal Government Commissioner is a contact person not only in the aftermath of an attack but also offers mid- and long-term assistance. This means that for foreign victims of terrorism, he or she makes sure that continued support is ensured upon returning to their home country.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

In Germany, victims of terrorist and extremist attacks may be granted hardship payments.

While not a legal entitlement, such payments are granted for reasons of equity and as an act of solidarity. They may be granted within a few days or weeks upon application to prevent financial bottlenecks that may arise. Those injured in an attack may receive lump-sum emergency aid payments of EUR 3,000 or EUR 5,000 (advance payment). Further hardship payments for injuries may also be awarded. The amount granted depends on the severity of the individual injury. After the attack at Breitscheidplatz, for example, the individual with the most severe injuries received further hardship payments of EUR 350,000. Victims may also receive a one-off fixed sum payment to mitigate disadvantages in career development of up to EUR 20,000. Parents, spouses/life partners and children are granted EUR 30,000 each for the loss of their relative. Siblings are granted EUR 15,000. Furthermore, the bereaved may receive a one-off fixed sum payment to mitigate the loss of maintenance payments. This amounts to EUR 25,000 for spouses and between EUR 25,000 and EUR 45,000 for bereaved children (depending on their age). Travel expenses of up to EUR 1,000 may be reimbursed for the close relatives of injured persons and the bereaved.

Benefits provided in other Member States are not taken into account.

## GREECE

**Reply to Q. 1:** Greece has transposed into its domestic legislation, Directive 2004/80/EU relating to compensation to crime victims (with Law 3811/2009), the Directive EU/29/2012 establishing the minimum standards on the rights, support and protection of victims of crime (with Law 4478/2017) and EU Directive 2017/541 on combating terrorism (with Law 4689/2020). This legislation provides for the framework of the support, protection and compensation of all victims of violent intentional crimes or victims of particular crimes (described in Penal Code). This protection also applies to victims of terrorism. Pursuant to this legislation, an Assisting Authority has been established at the Hellenic Ministry of Justice and the Hellenic Ministry of Justice through this Authority was designated as the contact point for facilitating the communication and cooperation between EU member-states' designated Assisting Authorities.

**Reply to Q.2:** There has not been recorded such an experience since there has not been any incident of this kind reported to our authorities so far.

**Reply to Q. 3:** The above mentioned in Q. 1, legislative framework provides for the assistance and support to victims of terrorism. This includes the cooperation of many specialized domestic authorities and services which offer assistance to victims immediately after the terrorist attack. These authorities include police, hospitals, specialized psychologists or psychiatrists and other experts. The information about the support and assistance in trans-border situations can be provided by the Assisting Authority. Also there is a thorough information about the domestic system of assistance and compensation at the site of E-Justice Portal and also there is a helpline (number 112) for emergency cases.

**Reply to Q.4:** With a legislative amendment (Law 4531/2018) there has been an increase of the public expenses for the support and the compensation of all victims mentioned above and the procedures for such compensation were improved.

## HUNGARY

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

The Hungarian government in general and the Ministry of Justice in particular are committed to protecting victims of crime, including victims of terrorism, more effectively. Therefore, 2020 is the year of victim support in the Ministry of Justice, with the following important objectives:

- Accelerating the ongoing comprehensive reform of the victim support system,
- Providing better tailored assistance for all victims,
- Cooperating closely with church and non-governmental organizations,
- Launching nation-wide media campaign for more effective access to victims,
- Contributing to more effective prevention of victimization.
- Increasing protection of victims, with focus on special groups of victims such as families, children and women,
- Continuing the setting-up of new victim support centres despite the COVID-related new challenges with the view of creating a nation-wide network of victim support centres by the end of 2025.

Inspired by the expert work done during the Presidency, the Ministry of Justice has started looking into questions relating to the possible appointment of a national single contact point for terror victims.

The Ministry of Justice is an active member of numerous international and European networks in charge of victim support. So it is, for instance, member of the Contact Point Network of Terror Victims, which was established by the Council of Europe and the United Nations, in addition to the Contact Point EU-Network of State Compensation, the Victim Support Europe and the European Network on Victims' Rights (ENVR), an EU-wide network of high-level experts. In this context, it is worth highlighting that the Ministry of Justice played a crucial role in establishing the Association of European Network on Victims' Rights (AENVR) with seat in Budapest in 2017, thereby ensuring that the ENVR is able to work and function in a permanent structure as of 1 January 2018. By actively participating in these networks, the Ministry of Justice contributes to ensuring effective cooperation with other Member States, assisting in the rapid exchange of information among them for the benefit of terror victims as well.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross border victims, particularly victims of terrorist crimes? Are there any best practices in government to government cooperation that the Member States can share?**

Hungary belongs to those Member States which have not been directly involved in terrorist attacks so far, resulting in fact that no specific experience or “good practice” in repairing disasters caused by terrorist attacks are available to share.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross border situations?**

The Hungarian Victim Support System ensures in numerous ways that victims of crime, including victims of terrorism may receive tailored, coordinated and comprehensive support, including in cross border situations.

The Act CXXXV of 2005 on Assistance to Victims of Crime and State Compensation (hereinafter: Act on Victims) defines that a victim is a natural person who becomes victim of any crime or an infringement of property committed on the territory of Hungary. In addition, a victim is also who suffers a disadvantage, especially bodily or mental injury, as a direct consequence of a crime committed in Hungary.

Against this background, the Hungarian state provides for a victim, after assessing his or her needs, numerous services such as instant monetary aid in crisis situations, an issued certificate of their victim status, witness care, and protected shelter. (Please note that the Hungarian 'instant monetary aid' is, in essence, equivalent to 'immediate financial assistance' mentioned in the Council document No. 9244/20). In addition to these services, victims of intentional violent crimes, including victims of terrorism, may benefit from state compensation under the conditions specified in the Act on Victims.

The Hungarian victim support organization system rests on three pillars: the victim support services, the Victim Support Centres and the Victim Support Hotline.

The first pillar is the victim support services, which operate in each county and the capital government offices, and any victim, including victim of terrorism, may turn to any of these offices in order to use the services and benefits specified in the Act on Victims.

Second, in order to ensure a more effective implementation of victims' rights, including victims of terrorism, the Ministry of Justice has been leading the comprehensive reform work of the victim support system. As part of this reform, 2020 is the year of victim support in the Ministry.

One of the most significant achievements of this reform has so far been that the Ministry has opened four Victim Support Centres, in Budapest, Miskolc, Szombathely and Pécs, respectively. And the Ministry is committed to continuing to open further Centres in each and every county despite the COVID-related challenges and to build up thereby a nationwide network of Centres by the end of 2025. For this reason, two new Centres are set to be opened in Szeged and Kecskemét in December 2020.

Implementing a holistic approach, these new Victim Support Centres provide practical, psychological and financial support tailored to the needs of victims, ranging from emotional assistance by a psychologist, over organizing and conducting an actual crisis intervention, guiding and following up victims up to sharing a wide range of information and conducting prevention activities in a more victim friendly manner. It is also an important task for the Centres to focus on groups of victims with special needs, including victims of terrorism. The staff of the Centres also performs coordination tasks, making it easier for victims to access to various services.

As for state compensation, it may be granted to a natural person who becomes victim of an intentional violent crime and as a result of which his or her physical integrity or health have been severely damaged. In addition to direct victims, certain close relatives, dependents of such victims, and the person who provided for the burial of the deceased victim may be eligible to apply for state compensation. As for the amount of compensation, the actual damage (all billable costs incurred as a result of the crime) and the causal link to the crime must be proved in all cases, and there is a financial threshold for being eligible to apply. The application may be submitted within 3 months of the crime. Maximum amount in 2020: HUF 2,128,125 (cc.: EUR 6,150).

In this context, it is important to note that for terror victims, the Victim Support Service does not investigate need, making thereby this kind of support more easily accessible to victims of terrorism.

The third, equally important pillar of the victim support system is the Victim Support Hotline (06 80 225 225), established and maintained by the Ministry of Justice. This 24-hour free-of-charge line is to provide information to victimized citizens beyond office hours not only in Hungarian but also in English. Upon receiving the call for help, the staff provides the most appropriate information about the incident, the problem and the caller's location, and directs the caller to the nearest local problem-solving body.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

Under the Hungarian victim support legal framework, victims may receive instant monetary aid without any income or social threshold. The purpose of this kind of victim support service is to remedy a crisis that arises in the very short time following a crime. In such a case, the victim support service covers the victim's extraordinary expenses directly related to housing, clothing, food and travel, as well as medical and religious services, provided that the victim is unable to cover these expenses due to the crime or property violation. The coverage of the financial assistance is a top-up appropriation of the government's central budget. The maximum amount in 2020 is HUF 141,875 (cc. EUR 410). As the Victim Support Service examines the current crisis situation resulting from the crime, the determination of instant monetary aid is not dependent on any other support received in other states.



## IRELAND

- 1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

International terrorism continues to be a serious threat to international peace and security including, in particular, the security of the European Union, its Member States and the lives of its citizens and its residents, both inside and outside the Union.

While the responsibility of combating international terrorism lies primarily with individual Member States, and Ireland has a number of legislative measures in place to deal with this threat, the Irish Department of Justice contributes to the development of European and International Policy in this area. This is carried out through Ireland's membership of various international institutions and bodies such as the Council of the European Union, the Council of Europe and the UN, its support for An Garda Síochána (Irish Police force) and the development of relations with other relevant sectors.

Ireland supports a collective response in assisting victims of terrorism in the Union and expresses the view that EU Member States should look to build on the existing structures which we have in place and look for synergies with other EU initiatives supporting victims' rights to further strengthen co-ordination and information exchange in this important area.

Ireland supports the European Network of Victims' Rights in its role to strengthen the rights of victims, enhance the cooperation between the Member States in the area of victims' rights, implementation of the EU legislation in the area of victims' rights, exchange of best practices and cooperation in cross border cases.

Ireland notes that proposals are being developed both by the Council of Europe and the EU for single points of contact (SPCs) in relation to support for victims of terrorist attacks. Ireland would stress the importance of the roles being aligned. It is particularly important EU Member States should have a common approach and not find ourselves in the position of having different roles and responsibilities depending on whether the contact between two EU Member States is in an EU Or COE context. We see a number of different elements to be considered in scoping the SPC roles:

- Information and advice, and a single contact for support, for victims;
- Exchange of high-level information about which supports are available and the domestic institutional landscape with colleagues in other Member States; and
- Frontline role of consular services in helping citizens who are victims of an attack in another State.

We see real difficulties in combining all these elements on one SPC. Nonetheless, SPCs should use uniform procedures as contact points for victims' issues for colleagues whether in Council of Europe or EU member States. Ireland await the DE Presidency paper on this topic for discussion at official level in November and presentation to JHA in December 2020.

Dissident paramilitary groups remain the largest terrorist threat on the island of Ireland and an Garda Síochána, the Police Service of Northern Ireland, Europol and Interpol work in close collaboration through data exchange and cross-Border investigations.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

The Department of Justice is the Lead Government Department responsible for coordinating the whole-of-Government communication response in the event of a terrorist attack. Outside of direct Government communication, an Garda Síochána use Europol or Interpol channels and where necessary, the Department of Foreign Affairs and its network of embassies.

Staff in the Consular Assistance Unit in the Department of Foreign Affairs and in our Embassies and Consulates overseas, receive specialist training. They are also experienced in dealing with issues that arise in relation to Irish victims of crime abroad and foreign victims of crime in the Ireland including acts of terrorism, murder, violent or traumatic crime.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

There is no single body responsible for dealing with and assisting the victims of terrorism. Ireland takes a mainstreaming approach to supporting victims of all crime. We do not have a separate programme of supports for victims of terrorism, but focus instead on mainstream service provision, which can be targeted to respond to the particular needs for specialist support in individual cases.

We recognise fully that the needs of individual victims of terrorism will differ from case to case. Key to our inter-agency, cross-sectoral approach is a good framework of communication between the key players and service providers, which allows for a flexible approach towards delivering the appropriate supports to individual victims.

Robust emergency planning arrangements are in place to address a large range of emergencies, including national security incidents and terrorist attacks. There is an Office of Emergency Planning situated in the Department of Defence and the Minister for Defence chairs the Government's task force on emergency planning which meets regularly. Planning arrangements for a range of emergencies are co-ordinated in this framework.

When an emergency occurs, the appropriate emergency plan is set into operation with the relevant Government Department taking the lead in its implementation. Ministers and/or Senior Civil Servants convene in the National Emergency Co-ordination Centre, which is equipped with robust communications systems and support facilities to ensure rapid and flexible real-time oversight and management of an emergency situation. This is particularly important in responding effectively to

the immediate needs of victims of an emergency situation, such as a terrorist incident, in terms of medical and psychological impacts, and in terms of immediate social assistance.

In the event of a large-scale terrorist attack, in accordance with our Major Emergency Management Framework, one of the three Principal Response Agencies (An Garda Síochána, the Health Service Executive and the relevant Local Authority) will be designated as the ‘lead agency’ and will coordinate the response on the ground, communicating with the National Emergency Coordination Centre.

An Garda Síochána will assess the situation and make operational decisions, maintain public order, provide for security of victims, coordinate evacuation if needed, issue public warnings, communicate guidance and advice to those affected.

A key feature of an Garda Síochána’s work will be to set up a Casualty Bureau which, it is intended, will include the activation of a telephone contact point manned 24/7 by trained Gardaí.

This primary purpose of this service will be to take in information from callers about victims rather than provision of an ongoing helpline type service. This would include taking calls from family members/friends of potential victims and gathering information on such persons. This would assist the Bureau in the identification of potential victims and the collation of a victim identification/missing persons list.

In terms of managing communication requests from people abroad (including from non-English speaking communities) an Garda Síochána will link in with the Department of Foreign Affairs and also Embassies/Consulates based in Ireland in terms of how this could be done.

Family members would be notified as soon as possible with information on their loved ones as soon as such information could be verifiably confirmed. An Garda Síochána family liaison officers would be utilised in dealing directly with the families who experience bereavement (but also in supporting the families of very seriously injured people or of people who have remained on a missing list).

The relevant Local Authority will be responsible for providing Rest Centres / Survivor Reception Centres in a major emergency event, transport to the Centre where required, and will carry out registration on site.

The Health Service Executive will provide health advice, pre-hospital care services, medical aid and psychosocial support where required, and will coordinate any voluntary ambulance services mobilised.

As part of the work involving victim identification/victim remains the family liaison officers may obtain ante- mortem information/materials on those who are remaining missing e.g. to facilitate matching against DNA evidence. Interpol's forensic Disaster Victim Identification will inform this work and an Garda Síochána will work closely with the Coroner and State Pathologist Service in this regard. Providing appropriate support for emergency responders will also be a necessary part of the overall response (peer support/trauma counselling, etc).

Civil defence, voluntary emergency services, and the community and voluntary sector are also likely to be involved in supporting victims and the affected community. Depending on the specific needs of the victims, civil society groups and charities with relevant skills and experience may be called upon.

As Ireland takes a mainstreaming approach to supporting victims of all crime, victims of terrorism will be afforded a number of rights post incident across the criminal justice system.

Foreign victims will receive comprehensive information on the Irish criminal justice system, their role within it and the range of services and entitlements which victims may access from their first contact with An Garda Síochána and/or the Garda Síochána Ombudsman Commission. They will be provided with information, upon request, concerning the progress of the investigation and any subsequent court proceedings.

The have the right to receive information upon request in clear and concise language and to interpretation and translation, where it is necessary to enable foreign victims to understand and be understood, in their participation in the Irish criminal justice process and will also be permitted to provide a victim impact statement, as applicable.

The right to information on victim support services will be facilitated and any special measures deemed necessary to protect victims from secondary and repeat victimisation, intimidation or retaliation can be put in place during the investigation and during any eventual court process.

In tandem with this, the potential use of special measures can also be utilised for victims and witnesses in the presentation of evidence including, for example, evidence given via the use of live television link, screens or via intermediaries while the potential use of video-recorded statements is also possible.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

In terms of any provision of immediate financial assistance required by victims and/or their families/associates, depending on the scale of the level of support required, some adaption of the community welfare scheme run by the Department of Social Protection may be initiated quickly by the Government. This would allow for Basic Supplementary Welfare to be paid to people who do not have enough income to meet their needs and those of their families.

For non-immediate compensation, The Criminal Injuries Compensation Tribunal administers a scheme of financial compensation for personal injuries that have been inflicted by criminal acts, including terrorism.

The tribunal considers applications from people who suffer a personal injury or the dependents of a person whose death is as a result of a crime of violence. Ex gratia compensation may be awarded on the basis of any vouched out of pocket expenses, including loss of earnings, experienced by the victim or, if the victim has died as a result of the incident, by the dependents of the victim.

Generally speaking, applications must be made to the tribunal as soon as possible but not later than three months after the incident. The tribunal has discretion under the scheme to extend this time limit in circumstances where the applicant can show that the reason for the delay in submitting the application justifies exceptional treatment of the application. There is no time limit for applications in respect of fatalities.

These systems do not distinguish between Irish and EEA nationals, other residents and 3rd country nationals.

## ITALY

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

In the event of a terrorist attack, the necessary information is transmitted quickly through the liaison officers who are located in Italy, as well as through the Italian officers who are in other European countries. The possibility of transmitting information concerning the victims is therefore implemented through bilateral relations with the various countries through the liaison officers who, in a timely manner, take care not only of transmitting information regarding the ongoing investigations, but also of providing any useful and timely news about the victims of terrorist attacks.

The same mechanism operates for the offer of assistance to investigations. For example, in the past collaboration has been offered, for events that occurred abroad, for DNA research and the identification of victims through the dispatch of specialized personnel. There are no specific protocols in this sense, but forms of collaboration provided on the basis of bilateral and multilateral agreements that Italy has always provided.

### **2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

As better stated in point 1, experience has shown that speed and accuracy in responses through the work of liaison officers allows to provide an immediate response to the needs of cross-border victims.



**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

In Italy, a terrorist attack is managed centrally and locally.

The Counter Terrorism Strategic Analysis Committee (CASA) is an institutional body of the Ministry of the Interior which has the task of promoting the sharing, circulation, evaluation and quantification of information relating to internal and external terrorist threats between the various police forces Italian. It updates the lists of Italian foreign fighters and defines the expulsion criteria for those deemed at risk. It plans and activates, where necessary, prevention and contrast measures and suggests to the Government the level of anti-terrorism alert to be set.

In case of terrorist attack in Italy the CASA is convened on a permanent basis and the management of the event is the responsibility of the Crisis Unit which takes office in the Ministry of the Interior. The Crisis Unit is composed not only of the National Committee for the Order and Public Security (CNOSP), based on the Ministry of the Interior, which is attended by the Minister of the Interior, the Chief of Police, the General Commanders of the Carabinieri and the Guardia di Finanza, also from the Secret Service. At the local level, the Prefecture intervenes, which represents the Ministry of the Interior at the provincial level. The Provincial Committee for the Order and Public Security (CPOSP) is set up at the Prefecture, made up of the Prefect, the Quaestor, the Provincial Commanders of the Carabinieri and the Guardia di Finanza and the Mayor of the regional capital. The composition of the CPOSP can be integrated by the Civil Protection, the Red Cross and by bodies or associations. It is the Prefecture, through the CPOSP that manages the event, that deals with the victims through a meticulous coordination and direction of all those involved, in contact with the national political level represented by the CNOSP at the Ministry of the Interior.

Therefore, even in the absence of a specific protocol, the presence of over 100 Prefectures, spread throughout the territory, guarantees in Italy a punctual and timely handling of each event by the local bodies (Prefectures), in constant contact with the central structure (Ministry of the Interior).

In the event of a terrorist attack abroad, the CASA he is summoned on an extraordinary basis, the political direction always belongs to the Ministry of the Interior, through the CNOSP, while at the provincial level the Prefecture is responsible for maintaining contacts and relations with the families of the victims. In this case, the Crisis Unit of the Foreign Ministry is also activated, which can carry out interventions in favor of Italian citizens who are victims of terrorist attacks, both directly and through embassies and consulates.

In conclusion, the existing coordination system between central authorities, local authorities and liaison officers, both Italian and foreign, makes it possible to guarantee rapid, effective and specialized assistance to victims of terrorism offenses.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

In Italy, the compensation system is managed by the Ministry of the Interior. The special legislation for victims of terrorism provides for a double form of compensation; the first consists in the payment of a one-off sum of money in favor of the relatives of the deceased victim or in the payment of a sum, in favor of the surviving victim, commensurate with the percentage of disability. The second provides for the payment of an annuity in favor of the relatives of the deceased victim or the surviving victim who reports an invalidity equal to or greater than 25%. The one-off payment is added to the annuity payment.

Further benefits are provided (early retirement, exemption from healthcare expenses, legal aid, psychological support) in favor of the relatives of the deceased victim or the surviving victim. In the event of a terrorist attack in Italy, all the above benefits apply not only to Italian citizens, but also to citizens of other countries and stateless persons.

In the event of a terrorist attack abroad, they apply to Italian citizens even if resident abroad. In any case, any figures liquidated by other countries are taken into account.

There is no immediate financial assistance for victims of terrorist attacks in Italy, but only for Italian citizens who are victims of attacks abroad in favor of which exceptional interventions can be activated such as support for staying on site, repatriation or other urgent needs.

## LATVIA

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

There have been no terrorist attacks in Latvia in the last 19 years (the last one took place on August 17, 2000). Therefore, Latvia cannot provide information on how specialised support for victims of terrorism is provided in practice. At the same time, Latvian legislation provides the same support to victims of terrorism as is generally provided for victims of crime.

The Latvian State Security Service has developed a National Counter-Terrorism Plan, as well as response plans in the event of an attack on civil aviation, maritime traffic and infrastructure, as well as land facilities. Based on the National Counter-Terrorism Plan and response plans, sub-plans have been developed in the institutions involved in the provision of counter-terrorism measures, which have been coordinated with the Latvian State Security Service.

In order to test the readiness of institutions to respond to situations of terrorist threats, various counter-terrorism exercises are regularly organized - table exercises, as well as field exercises, incl. with simulation of hostage situations.

As information on the coordination arrangements between public authorities in the event of a terrorist attack is classified, Latvia cannot provide more detailed information on this topic.

In addition, Latvia would like to point out that according to the Criminal Procedure Law (hereinafter - CPL) all victims have the same rights in criminal proceedings regardless of their nationality. According to Article 97.<sup>1</sup> (Fundamental Rights of a Victim in Criminal Proceedings) a victim has the following rights: 1) to receive information regarding the conditions for applying for and receipt of a compensation, including State compensation and to submit an application regarding compensation for the harm inflicted in accordance with the procedures laid down in this Law;

2) to participate in criminal proceedings, using the language in which he or she is fluent, if necessary, using the assistance of an interpreter without remuneration; 3) to not testify against himself or herself or against his or her immediate family; 4) to settle with a person who has inflicted harm to him or her, as well as to receive information regarding implementation of the settlement and its consequences; 5) to invite an advocate for the receipt of legal assistance; 6) to submit an application for taking measures in case of a threat to the person himself or herself, his or her immediate family or property; 7) in the cases provided for in this Law to submit an application regarding reimbursement of procedural expenses which have arisen during criminal proceedings; 8) to submit a complaint in the cases, within the terms and in accordance with the procedures laid down in this law regarding a procedural ruling or an action of an official authorised for the conduct of criminal proceedings; 9) to receive contact information for communication regarding the particular criminal proceedings; 10) to receive information regarding the support and medical assistance available; 11) to request information regarding the direction of the criminal proceedings, regarding the officials who conduct or have conducted criminal proceedings.

As soon as the person is recognised as a victim, he or she shall, without delay, be issued and, if necessary, explained the information regarding the fundamental rights of the victim. The victim shall confirm with his or her signature that the information has been issued and, if necessary, the rights have been explained.

In addition, on July 12, 2019, an assessment was received from the European Commission regarding the compatibility of Latvian legal norms with Directive's 2017/541 Article 26. On 13 August 2019, Latvia provided the following information in its response to the European Commission's assessment about implementation of Article 26.

***Law on Social Services and Social Assistance:***

*Article 3. Right to Social Services and Social Assistance*

*(1) The right to receive social services and social assistance specified in this Law shall be enjoyed by the following persons **residing** in the Republic of Latvia:*

*1) citizens and non-citizens of Latvia;*

*2) aliens who have received a **permanent residence permit** or who have been granted the status of a permanent resident of the European Union in the Republic of Latvia;*

*3) citizens of the European Union Member States, European Economic Area states and the Swiss Confederation who:*

*a) have obtained the right of permanent residence,*

*b) are entitled to reside in the Republic of Latvia and who have stayed in the Republic of Latvia for at least three months,*

*c) who have stayed in the Republic of Latvia for at least six months if entering into employment legal relations in the Republic of Latvia has been the purpose of their stay, and their attempt to find a job is attested by registration thereof in the State Employment Agency;*

*4) family members of the persons referred to in Clauses 1, 2 and 3 of this Paragraph.*

*(1<sup>1</sup>) Persons who reside in the Republic of Latvia and who have been granted alternative status, as well as family members of these persons who reside in the Republic of Latvia shall have the right to receive the benefit for ensuring the guaranteed minimum income level, shelter and night shelter services, as well as information and consultations from the social service office referred to in this Law. The social service office of a local government is entitled to grant a housing allowance to a person who has been granted alternative status according to the procedure and in the amount specified to the inhabitants of the relevant local government.*

*(1<sup>2</sup>) Children who have acquired alternative status have the right to receive social care services and the social rehabilitation services specified in Section 13, Paragraph one of this Law.*

*(2) The Cabinet and local government shall determine the procedures for receipt of social services and social assistance.*

*(3) The procedures by which social services provided by local government is received shall be determined by local government binding regulations.*

*(4) A victim of trafficking in human beings has the right to receive social rehabilitation. If necessary, a minor accompanied by a victim of trafficking in human beings has also the right to stay in the social rehabilitation institution together with this person.*

*(5) If shelter and night shelter services specified in Paragraph 1.1 of this Section cannot be applied to a person who has been granted alternative status due to his or her functional disorders or the lack of social skills, the social service office of the local government is entitled to apply other types of social services suitable for the encountered problem.*

***(6) The right to receive social services determined in this Law shall be also enjoyed by persons who have not been specified in Paragraph one of this Article and who have the right to enter and reside in the Republic of Latvia if the relevant persons demand the referred to services specifically from the relevant service provider and they settle the payment thereof in full amount.***

*(7) Children who have been recognised as asylum seekers with special reception needs by institutions involved in the asylum procedure shall have the right to receive social rehabilitation of children who have suffered from violence. Children who do not belong to the groups listed in this Section also have the right to receive the referred to service if the responsible institutions have adopted an opinion on the necessity of a social rehabilitation service.*

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

As mentioned in answer to question No.1 there have been no terrorist attacks in Latvia in the last 19 years. Therefore, Latvia cannot provide information on experience gained with cooperation on the ground in providing support to cross-border victims, particularly victims of terrorist crimes.

Latvian nationals in emergency situation abroad including those who are victims of crime in cross-border situations, can receive information about consular assistance or immediate consular assistance if necessary and possible, by calling to the 24/7 emergency service phone number: +371 26 337 711 or sending an e-mail to: palidziba@mfa.gov.lv.

So far, the Consular Department of the Ministry of Foreign Affairs of the Republic of Latvia has not received inquiries for consular assistance from victims of crime in cross-border situations, particularly victims of terrorism.

The law “On State Compensation on Victims” establishes the regulation on how to provide a natural person who, in accordance with the procedures laid down in the CPL, has been recognised a victim, with the right to receive a State compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence. The right to the State compensation will exist, if as a result of an intentional criminal offence:

- 1) the death of the person has occurred;
- 2) severe or moderate bodily injuries to the victim have been caused;
- 3) morality or sexual inviolability of the person has been violated;
- 4) the person is a victim of trafficking in human beings;
- 5) the victim has been infected HIV, Hepatitis B or C.

Regarding the question on State compensation to victims in cross-border cases, the Legal Aid Administration (hereinafter- LAA) cooperates with the competent authorities of other European Union (hereinafter - EU) Member States in accordance with the procedures provided in Directive 2004/80/EC relating to compensation to crime victims in accordance with Chapter III.

So far, LAA has not received request forms for the State compensation to victims of terrorism in cross-border cases. However, it should be noted that Latvia has practical experience in dealings with state compensation in cross-border cases. In 2019 LAA has received two request forms from EU Member States and has sent five request forms to other EU Member States. Within six months of 2020, LAA has received one request form from EU Member State and has sent one request form to other EU Member State.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

On July 12, 2019, an assessment was received from the European Commission regarding the compatibility of Latvian legal norms with Directive's (EU) 2017/541 Article 24 and 26. On August 13, 2019, Latvia provided the following information in its response to the European Commission's assessment about implementation of Article 24 and 26.

CPL ensures that investigations and prosecution of offences covered by the Directive are not dependent on a report or accusation. The offence of terrorism and related offences are not listed among those that can be initiated (and, thus, investigated/ prosecuted) only based on a report or accusation made by a victim.

In accordance with Paragraph one of Article 96.<sup>1</sup> of the CPL the victim of terrorism is to be recognised as a victim of special protection. In accordance with Clause 10 of Paragraph one of Article 97.<sup>1</sup> of the CPL, the victim has the right to receive information regarding available aid and medical assistance.

In addition in accordance with Directive's 2012/29/EU Article 8 and Directive's 2017/541 Article 26, LAA ensures that victims of crime (including victims of terrorism) who are residents of other EU Member States have access to information on their rights, available support services and compensation schemes in Latvia.

In accordance with Cabinet regulation's Nr.869 (adopted on November 15, 2005) Point 3.5 LAA has delegated the association "Skalbes" to operate free of charge helpline - 116006 "Helpline for Victims of Crime". Service was launched on January 1<sup>st</sup>, 2016 and is available every day from 7 am to 10 pm. Association "Skalbes" provides emotional and psychological support, information on victim's procedural rights, information on available support services, victims' rights placement on social networks and websites. Mentioned service is available to all victims of crimes, including to the victims of terrorism.

In addition, Latvia considers that Latvia has fully fulfilled the requirements of Article 24 of Directive 2017/541, as national authorities have been obliged by law to provide State aid services with assistance and support to victims in accordance with their specific needs.

***CPL, Art. 96.<sup>1</sup>, 97.<sup>1</sup>, 104, 108***

*Article 96.<sup>1</sup> Specially Protected Victim*

*(1) The following victims shall be specially protected:*

*1) a minor;*

*2) a person who is not able to completely exercise his or her procedural rights due to a mental or other health deficiencies;*

*3) a person who has suffered from a criminal offence directed against the morality or sexual inviolability of a person, or from human trafficking;*

*4) a person who has **suffered from a criminal offence related to violence or threat of violence and committed by a member of the immediate family, former spouse of the victim or by a person with whom the victim was in unregistered spousal relationship;***

*5) a person who as a result of a criminal offence has been, possibly, **inflicted serious bodily injuries or mental impairments;***

*6) a person who has suffered from a criminal offence, possibly, **committed due to racial, national, ethnic, or religious reasons.***



(2) *By a decision of the person directing the proceedings also a victim who is not referred to in paragraph one of this Article, **but who, due to the harm inflicted as a result of a criminal offence, is particularly vulnerable and is not protected from repeated threat, intimidation, or revenge, shall be recognised as a specially protected victim.***

(3) *Information regarding the status of a specially protected victim shall be indicated in the decision to recognise a person as a victim. The decision taken shall be notified to the victim and his or her representative, if any. The court shall recognise a victim as specially protected in accordance with the procedures laid down in Article 96, paragraph four of this law.*

(4) *If the circumstances referred to in paragraph one or two of this Article have become known after a decision has been taken to recognise a person as a victim, the person directing the proceedings may take a decision to determine the status of a specially protected victim as soon as he or she has become aware of such circumstances. The decision taken shall be notified to the victim and his or her representative, if any.*

#### *Article 97.<sup>1</sup> Fundamental Rights of a Victim in Criminal Proceedings*

(1) *A victim has the following rights:*

(...)

5) *to invite an advocate for the receipt of legal assistance;*

#### *Article 104. Persons who may be the Representative of a Victim - Natural Person*

(5) *If the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives referred to in Paragraph two of this Article submit a substantiated request, a person directing the proceedings shall take a decision on retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on retaining of the representative - advocate of a victim - poor or low-income person of legal age, if it is otherwise not possible to ensure the protection of the rights and interests of the person in criminal proceedings. A person directing the proceedings shall invite an advocate also in cases when any of the relatives is not able to represent the victim referred to in Article 3.1 of this Article. In such cases, the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.*

*Article 108. Provision of Legal Assistance to a Victim*

*(5) Provision of legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person, upon whom the minor victim is financially or otherwise dependent, or regarding a criminal offence against morals or sexual inviolability.*

*(6) If a minor victim or his or her representative has not entered into an agreement with an advocate regarding provision of legal assistance, in the case provided for in Paragraph five of this Article the person directing the proceedings shall take a decision to invite an advocate as the provider of legal assistance in accordance with the procedures provided for in Article 104, Paragraph six of this Law. In such case payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance.*

**Medical Treatment Law, Art. 46, 54**

*Article 46.*

*Medical practitioners have a duty to provide first aid and emergency medical care.*

*Article 54. (2) Medical treatment institutions may be outpatient institutions where patients, if placement in a hospital is not necessary, are provided with medical treatment services, and hospitals where patients who are under constant 24-hour care of medical practitioners are provided with emergency medical assistance, diagnosis and medical treatment services until a specific level of medical treatment is reached.*

**Law on Civil Protection and Disaster Management, Art. 3(3), pts. 1, 2 and 5**

*(3) The system of civil protection shall have the following tasks:*

- 1) to ensure the safety of people, the environment and property;*
- 2) to ensure, to the extent possible, the minimal basic needs for the public in case of a disaster or threats thereof;*
- 5) to provide assistance to victims of disasters and reduce damage that has been or may be caused by the disaster to people, the environment and property*

**Regulation No 790 “Procedures for Providing Social Rehabilitation Services for Adult Persons who are Victims of Violence or who have Committed Violence”, pt. 1, 4**

1. This Regulation determines the types, volume, content of the social rehabilitation services financed from the state budget (hereinafter - services) provided to adult persons who have suffered from violence and adults who have committed violence (hereinafter collectively – persons), the conditions for receiving services and the procedure for granting access to them.

4. The rehabilitation service for victims shall be provided in one of the following ways:

4.1. as a social rehabilitation course - up to 30 days in a social rehabilitation institution with accommodation (hereinafter - the rehabilitation service for victims in an institution);

4.2. in the form of individual consultancy – no more than ten 45-minute consultations by a psychologist, lawyer or social worker, available also at a crisis centre without accommodation (hereinafter – the rehabilitation service for victims at the place of their residence).

**Regulation No 1613 “Procedures for Providing the Necessary Assistance to a Child who has Suffered from Illegal Activities”, pt. 1, 8**

1. This Regulation determines the procedure for providing the necessary support, which is funded from the State budget, to a child who is a victim of an unlawful activity – a criminal offence, exploitation, sexual exploitation, violence or any other illegal, cruel, or abusive or offensive activity (hereinafter – violence) -, to recover physically and psychologically and to integrate in society, including the procedure by which the foundation "Latvian Children's Fund" (hereinafter – the Latvian Children's Fund) organises the provision of social rehabilitation services funded from the State budget for children who have suffered from violence (hereinafter - social rehabilitation services), and the conditions under which this State delegated task is performed.

8. Social rehabilitation services shall be provided at the place of residence or the institution in the form of consultations (not more than ten consultations 45 minutes in duration each) or in the form of a social rehabilitation course at a social rehabilitation institution.

**Regulation No 338 “Requirements for social service providers”, pts. 4.2, 4.6., 4.5, 4.7**

4. The social service provider shall ensure:

4.2. planning and provision of the content and volume of social services according to the needs of the client;

4.5. collection, use and storage of customer-related information in accordance with the status of restricted access information and requirements of the protection of data of natural persons;

4.6. respect for the privacy of the client;

4.7. observance of ethical principles and actions in the best interests of the client;

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

As there have been no terrorist attacks in Latvia in the last 19 years, there is no specific schemes in place in under which immediate financial assistance is provided to victims of terrorism.

The victim (who in accordance with the procedures laid down in the CPL has been recognised a victim) has the rights to the State compensation in accordance with law “On State Compensation on Victims”, if as a result of an intentional criminal offence:

- 1) the death of the person has occurred;
- 2) severe or moderate bodily injuries to the victim have been caused;
- 3) morality or sexual inviolability of the person has been violated;
- 4) the person is a victim of trafficking in human beings;
- 5) the victim has been infected HIV, Hepatitis B or C.

## **LITHUANIA**

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

The Republic of Lithuania is preparing and in the near future intends to submit to the Government of the Republic of Lithuania a Law on Assistance to Crime Victims, which will fully transpose both the Directive 2012/12/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Further – Victims’ Directive) and Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (Further – Terrorism Directive). The draft law should ensure effective mechanisms for interstate cooperation regarding.

### **2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

Currently the Republic of Lithuania has not received any claims by cross-border victims of terrorist crimes, since no Lithuanian national has been a victim of a terrorist crime nor had there been terrorist attacks which caused any casualties or damage in the Republic of Lithuania. Due to the lack of government-to-government cooperation regarding victims of terrorist crimes, Lithuania does not have any practices to share.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

Currently there are no specialised, coordinate and comprehensive support services for victims of terrorism, but The Republic of Lithuania is preparing and in the near future intends to submit to the Government of the Republic of Lithuania a Law on Assistance to Crime Victims, which will fully transpose both the Victims' Directive and the Terrorism Directive and will ensure that all victims and especially victims of terrorism, will receive specialized assistance and comprehensive support. However, we note that according to the Law on Emergency Law of the Republic of Lithuania, a terrorist attack would be considered an emergency situation. Following the declaration of an emergency, the competent national authority shall immediately address the causes of the emergency or crisis and organize the protection of people and their property; if necessary, organize the evacuation of the population from the area of natural disasters, catastrophes or armed actions, provide other necessary emergency assistance. The authority responsible for managing an emergency or crisis shall make every effort to mitigate the emergency or crisis and to address its consequences.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

Although the Law on Compensation for Damage Caused by Violent Crimes of the Republic of Lithuania ensures that a victim of a violent crime can receive compensation in advance, appropriate conditions are attached to the payment of such compensation (for example, the victim was recognized as a civil plaintiff during pre-trial investigation or trial). Against this background, the Compensation Act does not provide for the possibility of providing immediate monetary compensation to victims, especially victims of terrorist crimes.

However, as mentioned above, following the declaration of an emergency, the competent national authority shall immediately address the causes of the emergency or crisis and organize the protection of people and their property; if necessary, organize the evacuation of the population from the area of natural disasters, catastrophes or armed actions, provide other necessary emergency assistance.

The provision of emergency assistance should include all necessary actions, including the immediate disbursement of money to victims of terrorist offenses. However, taking into account that no terrorist crimes have been committed in the Republic of Lithuania, during which people would have been affected, the measures in question have not been tested in practice.

## LUXEMBOURG

1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism<sup>1</sup> and the Directive on combatting terrorism,<sup>2</sup> to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?

The Ministry of Justice, which is the recently appointed single contact point for victims of terrorism, is also member of the ENVR, is the designated contact point for victim's compensation and is member of the EU Platform for Victim's rights. In case of an attack, the Ministry of Justice is able to communicate with its counterparts in other European countries by direct contact, through the existing networks. Furthermore, information exchange also exists on diplomatic level, involving the Ministry of Foreign affairs, the Permanent Representations and the embassies as they have specific measures in place in case of a crisis involving their nationals. As for the judicial cooperation, we refer to the instruments and channels in place in this matter.

2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?

With the attacks in Vienna, it is the first time ever for Luxembourg that a national became a victim of an attack abroad. As by now, Luxembourg can confirm the usefulness of the above-mentioned networks as it helped to get in touch very quickly with the key people within the administrations and organisations.

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<sup>1</sup> Council conclusions on victims of terrorism, 4 June 2018 (9719/18).

<sup>2</sup> cf. Art. 26 in Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.



3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims<sup>3</sup> and the Directive on combatting terrorism,<sup>4</sup> that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?

The victim has the right to be assisted by several victim support services. In an attack happening in Luxembourg, first support will be provided by the “*Groupe de support psychologique*”.

General and long term assistance for all the victims is provided by the state, through the central assistance service of the General Prosecutor's Office (“*Service d’Aide aux Victimes*”), which will receive the victim and offer free social, psychological and psychotherapeutic support and legal assistance. All the psychologists working for this service are also specialized in psychotraumatology.

4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?

There is no specific scheme in place for victims of terrorism. Financial assistance will be provided based upon the legislation applicable for victim’s compensation.

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<sup>3</sup> Council conclusions on victims’ rights, 4 December 2019 (OJ C 422, 2019, p. 5).

<sup>4</sup> Art. 24, Art. 26 Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

## MALTA

**1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

The Malta Police Force has a specific section, namely the Victim Support Unit (VSU), which provides support and assistance to all victims of crime. It also provides crisis intervention and, in the event of a terrorist attack, the VSU will be immediately summoned to go on site. The Unit will be informed by the Duty Officer and will coordinate to provide the necessary support to victims. Should there be a case involving a large number of victims, the VSU will coordinate with the relevant NGOs to provide the necessary assistance on site as well.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

Malta has had its fair share of cross-border applications for compensation for criminal injuries sustained by victims of crime, albeit to date none with particular reference to victims of terrorist crimes. The experience gained was quite positive and there has been a smooth and efficient government-to-government cooperation between Malta and the Member State(s) involved.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

The Victim Support Unit provides comprehensive support as it is made up of both police officers as well as other professional staff. In addition, the Unit works closely with other governmental and non-governmental agencies to give the best support and assistance to victims. However, one must take due note of the fact that, as answered above, fortunately Malta has not yet had to deal with victims of terrorism so specialised support is limited.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

Subsidiary Legislation 9.12 enacted in 2012 provides for a Criminal Injuries Compensation Scheme through which a victim who has suffered any damage as a consequence of a violent intentional act (which could also be a terrorist act) may be legally eligible for compensation. If the victim is eligible for compensation, as decided upon by the Claims Officer (the Attorney General), the victim may be given an interim award while determination of the case and therefore the final award is awaited. The Claims Officer may even make arrangements that he/she considers necessary for the administration of the money he/she awards as compensation. (Regulations 17 - 21 of Subsidiary Legislation 9.12).

Any benefits provided in the other Member States will be taken into account when quantifying the sum of compensation to be awarded.

## THE NETHERLANDS

- 1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

In the event of a terrorist attack the Ministry of Foreign Affairs will be the designated contact point for foreign authorities. The role of the Ministry of Foreign Affairs is especially important when foreign nationals are among the victims. The Ministry will receive information regarding foreign nationals from the police services and/or safety regions as quickly as possible and maintain close contact with the National Crisis Centre (NCC).

- 2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

In recent years the Dutch Violent Offences Compensation Fund has initiated working visits to the Belgium and German compensation authorities in order to improve the bilateral cooperation and mutual understanding. This resulted in practical assistance to the Belgium compensation fund after the terrorist attacks in Brussels. E.g. they provided an advance payment towards the costs of the funeral of Dutch nationals killed in the terrorist attacks.

- 3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

NL has prepared a rapid response plan in case of such an attack that includes access to medical and victim support services for victims of all nationalities.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

The Dutch Violent Offences Compensation Fund has an action plan ready to launch a team of experienced employees to swiftly handle requests for compensation by victims and relatives after a terrorist attack. The group of possible beneficiaries will be expanded to include traumatised witnesses of mass victimisation. The Compensation Fund offers compensation for all victims of a terrorist attack that took place in The Netherlands, regardless of their nationalities, but no compensation is offered to Dutch nationals who fall victim to a terrorist attack abroad, so there's no need to take into account what benefits are provided in other Member States.

## POLAND

1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?
2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?
3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?
4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?

*The Law of 28 November 2014 on the protection and assistance of the victim and the witness (OJ 2015, item 21) sets out the rules, conditions and scope for the application of protection and assistance measures for the victim and the witness and their relatives, if, in connection with the ongoing or terminated criminal proceedings involving the victim or witness or criminal proceedings involving a witness, there is a threat to the life or health of those persons. Protection and assistance measures include: (1) protection for the duration of the proceedings; (2) personal protection; (3) assistance in the change of residence.*

*A person who has been assisted in the change of place of residence and who has no means for living or cannot work because of a threat to life or health may be provided with financial assistance for: (1) meeting basic life needs; (2) to cover all or part of the costs of temporarily provision of housing or renting an apartment; (3) to cover the costs of obtaining the health care services referred to in Article 10(1) of Regulation (EC) No 1782/2003; Article 15 (1) of Regulation (EEC) No 20 2 of the Act of 27 August 2004 on publicly funded health care benefits (Journal of Laws of 2008 No. 164, item 1027, as amended)) if that person is not subject to compulsory health insurance. The amount of the financial assistance referred to above shall be determined taking into account the scope of and the nature of the aid and protection measures provided and the remuneration of the protected person to date. Financial assistance does not exceed PLN 3500 per month and pln 2000 for a minor.*

*Justice Fund - under the umbrella of the Ministry of Justice*

*(<https://www.funduszsprawiedliwosci.gov.pl/pl/o-funduszu-sprawiedliwosci/>)*

*The Victims' Aid and Post-Penal Assistance Fund, so called Justice Fund, is a targeted fund aimed at helping victims of crime, witnesses and at prevention and post-prison assistance. The Administrator of the Justice Fund is the Minister of Justice. The Justice Fund was set up on the basis of Article 43 of the Act Of Penal Implementing Code of 6 June 1997 (Journal of Laws 2018, item 652, as amended). Detailed rules for the granting of assistance and grants under the Fund are laid down by regulation of the Minister of Justice of 13 September 2017, on the Victim Assistance Fund and Post-Penal Assistance - Justice Fund (Journal of Laws 2017, item 1760). The Regulation lays down rules and modes for granting to public finance entities and non-public finance entities.*

*The funds shall be allocated to:*

- 1. assistance to victims of crime and their relatives, in particular medical, psychological, rehabilitation, legal and material assistance,*
- 2. post-prison assistance to persons deprived of liberty, released from prisons and detention centres and their relatives, provided by professional probation officers and the Prison Service,*

*3. activities undertaken or entrusted by the Fund Manager to support and develop a system of assistance for victims of crime and witnesses and post-penal assistance, as well as to address the causes of crime, consisting in*

*in particular on:*

- promoting and supporting initiatives to improve the situation of victims of crime and the effective read-out of convicted persons,*
- undertaking educational and informational measures, including on the causes and circumstances of crime and on its prevention,*
- covering the costs of organising and conducting education, postgraduate studies, further training courses,*
- undertaking, organising and commissioning scientific research, development work, cooperation with other bodies in this field, on the situation and needs of victims of crime, witnesses, convicted persons, as well as the causes and circumstances of crime and how to prevent it,*
- promoting a system of assistance to victims of crime and witnesses and post-penal assistance,*
- raising awareness of the rights of victims of crime and alternative methods of conflict resolution, in particular mediation in family, juvenile and criminal matters,*
- a supportive action for families at risk of dysfunction, in particular in the prevention and therapy of addiction, co-addiction and conflict resolution in the family.*

*Compensation. In addition to the financial assistance provided by the Fund, victims, including victims of terrorism, may benefit from a system of state compensation under the Law of 7 July 2005 on state compensation for victims of certain criminal offences. Obtaining financial support under this Act is possible in the course of legal proceedings. It is granted for specific purposes to cover lost earnings or other means of subsistence, medical and rehabilitation costs and funeral costs.*



## **PORTUGAL**

### **1. General remarks**

The Portuguese delegation thanks the Presidency for its efforts in preparing this discussion and welcomes the opportunity to share its preliminary contributions on the possible way forward on government-to-government cooperation concerning cross-border victims of terrorism. As stated during the previous Working Group meeting, we believe that the Victims' Strategy represents an important milestone in the protection of victims' rights that will certainly leave an indelible mark on the shaping of future policies in this field, which requires a continued and consistent long-term approach.

As in many other Member States, the recognition and promotion of victims' rights have long been an important issue for the Portuguese authorities, particularly in the context of criminal procedure. We, therefore, congratulate the German Presidency on electing it as one of the main priorities of its mandate and on the efforts in preparing the discussion regarding the possibilities of strengthening cooperation between the Member States to provide the best possible support to those who need it.

We welcome, in particular, the focus given to consolidating the rights of victims of terrorism, whose special status undoubtedly calls for a closer look by the Member States, considering, in particular, the transnational dimension of the criminal act and the specific obstacles to the effective exercise of their rights. We thus believe that the proposed reflection on how to improve government-to-government cooperation in this context is very relevant and can certainly provide an important starting point for future actions on how to pursue such important objective.

### **2. Background and answers to the questionnaire**

Following the above considerations and recognising the importance of this initiative from Presidency, which deserves our full support, we would like to take this opportunity to contribute to this discussion by providing our answers to the questions set out in the aforementioned document.

## a) Preliminary background and legal framework

In the light of the definition in Article 67a of the Code of Criminal Procedure (CCP), the “victim of terrorism”, as defined in light of the criminal offences contained in the Portuguese Law on Combating Terrorism<sup>1</sup> (see, in particular, articles 2 to 5a), is granted the statute of “especially vulnerable victim” (see articles 1(i), (j) and (l), 67a(3) of the CCP). This special legal categorisation makes it possible to apply all the victim protection measures established and regulated in the Code of Criminal Procedure, but also, and in particular, those enshrined in the Victim Statute (Law 130/2015, of 4 September<sup>2</sup>) and in the Witness Protection Act (Law 93/99 of 14 July<sup>3</sup>). The same applies to the legal regime contained in Law 104/2009, of 14 September, which regulates the granting of compensation to victims of violent crimes and domestic violence.

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<sup>1</sup> Law 52/2003, of 22 August, transposed EU Framework Decision 475/JHA/2002 into the Portuguese legal order. The Law has a wide scope and aims to punish the activities of groups, terrorist organisations and terrorist associations, as well as encompasses the punishment of individual acts of terrorism.

<sup>2</sup> Law 130/2015, of 4 September, introduced amendments in the Code of Criminal Procedure and approved the Victims Statute, transposing into Portuguese legal order the Directive 2012/29/ EU, of October 2012, laying down rules on the rights, support for and protection of victims of crime. Portuguese legislation does not differentiate victims according to the crime they have suffered, but only victims of violent crime and victims of domestic crime. According to the definitions set forth in Article 2 (j) of the Code of Criminal Procedure 'violent crime' means conduct which is committed intentionally against the life, physical integrity or freedom of a person and punishable by imprisonment of a maximum of 5 years or more. According to paragraph (l) of the same provision 'particularly violent crime' means the conduct provided for in the previous paragraph punishable by imprisonment of a maximum of 8 years or more.

<sup>3</sup> Specific legislation for witness protection is in force since 1999 – Law 93/1999 of 14 July - governing the enforcement of measures on the protection of witnesses in criminal proceedings where their lives, physical or mental integrity, freedom or property of a considerably high value are in danger due to their contribution to the collection of evidence of the facts which are subject to investigation. The provisions of this law could be applicable to witnesses' relatives and to the persons that live with them in a situation similar to a spouse and other persons in close contact with them. It should be stated that a victim of a crime could intervene in the criminal procedures as a witness. The law foresees security measures and programmes, the last including a new identification and ID documentation, changes in the physiognomy or the body of the beneficiary or the granting of a new place to live in the country or abroad.

It is also important to highlight the applicability, in this context, of Law 71/2015, of 20 July, which establishes the legal framework for the issue and transmission between Portugal and the other Member States of the European Union of decisions applying protection measures, transposing Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order.

Finally, we should also mention the relevancy of the regime established by Law 88/2017, of August 21, which approves the legal regime for issuance, transmission, recognition and enforcement of European investigation orders in criminal matters and transposes Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014.

Organically, the Commission for the Protection of Victims of Crimes is the Ministry of Justice body responsible for receiving, analysing and deciding on State compensation claims brought by victims of violent crime and victims of domestic violence, where victims of terrorism are included.

Also, under Article 23 of the Internal Security Act<sup>4</sup>, the Counter-Terrorism Coordination Unit (UCAT) is the coordinating and intelligence-sharing body where all the law enforcement authorities and intelligence services are represented, as well as the Public Prosecution Service, within the scope of the threat and the fight against terrorism.

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<sup>4</sup> Law 53/2008, of 29 August.

One of the tasks of this unit is to coordinate the implementation plans of the actions foreseen in the National Strategy to Combat Terrorism<sup>5</sup> and, in the field of international cooperation, the coordination between the contact points for the different areas of intervention in the field of terrorism. The UCAT performs its tasks within the scope of the Internal Security System, is coordinated by the Secretary-General of the Internal Security System and is directly dependent on the Prime Minister.

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<sup>5</sup> The National Strategy to Combat Terrorism was approved in 2015 by the Resolution of the Council of Ministers 7-A/2015, of 19 February, which is based on the commitment to eliminate terrorism in all its manifestations, based on the following strategic objectives - detect, prevent, protect, pursue and respond:

1. Detect - Identify early potential terrorist threats by acquiring the essential knowledge for effective combat, both in terms of their isolated dismantling and the detection of other foci of terrorist actions. The collection, treatment and analysis of data and information and their mutual availability between entities responsible in this field, in the national territory and abroad, allows to anticipate the knowledge and the evaluation of offensives in preparation;
2. Prevent - To know and identify the causes that determine the emergence of processes of radicalization, recruitment and terrorist acts. The mastery of the facts that promote its expansion allows for the adoption of measures that hinder its emergence and development;
3. Protect - Strengthen the security of priority targets, reducing both their vulnerability and the impact of potential terrorist threats. Protection is achieved by increasing the security of persons, borders, the movement of capital, goods, transport, energy and critical national and/or European infrastructures;
4. Pursue - Dismantle or neutralize planned or on-going terrorist initiatives and their support networks, prevent displacement and communications, and access to financing and materials for use in terrorist attacks and to bring terrorist phenomena to justice;
5. Respond - Operationally manage all means to be used in reaction to terrorism occurrences. Responsiveness can limit the consequences, both at the human level and at the level of infrastructures. The response also concerns assistance, taking into account the special needs of victims and witnesses.

Under this Strategy, the UCAT has increased powers and a coordinating role for the execution of the actions set out in the strategy, by strengthening cooperation with the military forces, law enforcement authorities and intelligence agencies, and enhancing international cooperation.

## **b) Answers to the questionnaire**

- 1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism <sup>6</sup> and the Directive on combatting terrorism <sup>7</sup> to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among the Member States?*

### **1.1. Information and assistance**

At the national level, the exchange of information and the response to assistance requests regarding terrorist phenomena between the Member States are tasks of the UCAT which – in accordance with the content of the Action Plan for the Prevention of Radicalization and Violent Extremisms and the Recruitment for Terrorism (PAPREVRT) – is responsible for sharing information and offering assistance between the Member States, in particular through its own Internal Security structures and their respective contact points. The effectiveness and the increase of information sharing among the Member States, as well as the articulation of the coordination of the international network of contacts for terrorism, are, therefore, very important parts of the mission of the UCAT and derive directly from its nature of permanent operation (this is, of course, without prejudice to the channels already defined and deriving from the competencies of the entities that are part of its structure). Specifically, with regard to the coordination and the possibility of specialized support for victims of terrorism, the above-mentioned Commission for the Protection of Victims of Crimes has been appointed as the national point of contact responsible in cross-border situations.

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<sup>6</sup> Council conclusions on victims of terrorism, 4 June 2018 (9719/18).

<sup>7</sup> Cf. Art. 26 in Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

## ***1.2. Measures taken recently***

Law 96/2017, of 23 August, which defined the objectives, priorities and guidelines of criminal policy for the biennium 2017-2019, already considered the prevention and the investigation of terrorism as one of the national priorities (see Articles 2a and 3a), a concern that was extended to the consideration of the needs of its victims (see, in particular, Articles 2, 6, 7 and 8 and the Annex of Article 17). The recently approved Decree of the Assembly of the Republic no. 64/XIV, of 30 of July, defines the objectives, priorities and guidelines of the criminal policy for the biennium 2020-2022, continues along this path, now giving more focus to the protection of victims by including it in the article of the *General Objectives* (Article 2), which states that the "general objectives of criminal policy [are] to prevent, repress and reduce crime, promoting the defence of legal assets, the *protection of the victims* and the reintegration of agents of crime into society" [emphasis added].

### ***2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?***

Fortunately, Portugal has not yet experienced an internal terrorist occurrence causing a large number of victims in a single criminal act, which is the reason why we have not had many cross-border requests for this type of crime in particular.

Our cross-border experience mainly derives from violent crime, other than terrorism, and is primarily linked with cases involving violent crimes occurring in the context of holiday travel – either Portuguese nationals traveling abroad or foreigners travelling to Portugal – and so far, in such cases, cross-border support ran smoothly and uneventfully, because the national authorities involved in both States managed to swiftly communicate and answer to the compensation claims.

As for the experience with foreign citizens who are victims of crimes in Portugal, we noted some problems mainly *before* the intervention of the national authorities: either because some victims do not file criminal complaints before the police or judicial authorities – which precludes the possibility of gathering evidence of the occurrence of the criminal event – or because they directly liaise with their consular authorities, which sometimes fail to provide accurate information.

On the other hand, those who address the police authorities or the Public Prosecutor's Office are informed of all their rights and, consequently, have their requests for support forwarded to the competent authorities.

We could, perhaps, suggest, for future consideration, the development of legal-based solutions on "exit strategies" and "inclusion strategies" for all terrorist victims, but also for people who want to abandon violent extremism, a situation which, in our view, calls for a coordinated comprehensive approach.

***3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims<sup>8</sup> and the Directive on combatting terrorism<sup>9</sup> that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?***

As we already mentioned, Portugal has indicated a national point of contact – the Commission Protection of Victims of Crimes – that is in charge of the coordination of the response to the needs of the victims of terrorist attacks and to provide them with specialized support in this context, particularly in cross-border situations.

Regarding the particular measures for protection and assistance to victims of violent crimes, they were implemented nationally in the aforementioned laws. There are specific also cases where, from the perspective of a more comprehensive action, other types of measures have been introduced – for example, concerning the practical assistance –, in line with some of the best European practices.

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<sup>8</sup> Council conclusions on victims' rights, 4 December 2019 (OJ C 422, 2019, p. 5).

<sup>9</sup> Arts. 24 and 26 in Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

One of these cases is the possibility of the access of radicalized young people to exit programmes that allow a path of social reintegration, making use of consensus institutes, and with the specialized support intervention of victims' NGOs, to accompany and provide psychological support, in a clear intervention of violence and crime prevention.

In the context of NGOs, the Portuguese Association for Victim Support (APAV), which is a private social solidarity institution, has a paramount role at the national level in providing information, protection and support of any citizens who are victims of criminal offences. APAV includes the *Support Network for Families and Friends of Victims of Homicide and Victims of Terrorism* (RAFAVHVT), which offers specialised practical, social, psychological and legal support to victims of terrorism, as well as to their relatives and friends, including support abroad.

***4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?***

The answer is affirmative, bearing in mind the legal mechanisms established in Law 104/2009, of 14 September, which regulates the granting of compensation to victims of violent crimes, including with its own rules for victims from other member states and third states<sup>10</sup>. As such, in Portugal, the possibility of providing immediate financial assistance, especially to victims of terrorism, exists and is exactly the same as can be provided to any other victim of violent crime, provided that the specific situation meets the legally compulsory requirements. The support provided includes the financial support, irrespective of who, in a concrete situation, may grant it.

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<sup>10</sup> Also, the protection provided by the above-mentioned Law 96/2017, of 23 August, for the victims of crimes also includes “the compensation for damages suffered” (Article 6). The same provision (Article 8(1)) is provided for in the Decree of the Assembly of the Republic no. 64/XIV, which, will soon replace that law.



## ROMANIA

- 1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

As an introductory note, it should be mentioned that Romania had experienced no terrorist attack on its territory, therefore, no specific victim of terrorism measures are in place. General provisions on support of victims of crimes shall apply accordingly for victims of terrorism. The general provisions shall be complemented by those applicable in emergency response situations.

In view of the abovementioned, the following should be stated:

The national legislation has been modified last year in the sense of providing a unique one stop shop service for victims of crimes (Service for Supporting Victims of Crimes), established within the General Directorate for Social Assistance and Children' Protection from county level, which aims to ensure access of their rights to information, social assistance, psychological counselling and judicial counselling. It should be noted that the individual assessment of victims is an important key in the response of authorities with regard to this specific category of victims.

According to the new provisions in force since 2019, several Services for Supporting Victims of Crimes were set up in Romania. Within these services victims shall be taken care of by social workers, psychologists and legal counsellors and could be referred to other specialized services, if needed (accommodation, medical services, etc.).

It is also worth mentioning that one of the principles of the new law is speed, allowing victims of crime to promptly receive information, support and protection services.

Within the emergency response activities, such as terrorist attacks, the new provisions stipulate that, in the exercise of their duties, the local public administration authorities have the obligation to ensure the support of victims of crime, at the request of the authority coordinating the emergency response and that public authorities and institutions collaborate by exchanging personal data, in order to identify victims of crime, in emergency response activities.

**2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**

In view of the introductory note in question no.1, RO cannot provide an answer to this question.

**3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

As far as the immediate specialised, coordinated and comprehensive support is concerned, the following should be mentioned:

At national level, apart from the general rules applicable for all victims of crimes as mentioned before (support and protection provided by the Services for Supporting Victims of Crimes), a Red Intervention Plan is engaged in order to provide a coordinated response of all structures with intervention responsibilities in case of collective accidents and/or calamities, with particularly rapid manifestations and time-limited effects, resulting in multiple victims or having the potential to produce multiple victims.

Among the attributions of local authorities, the following are also available:

- ensuring the communication with the families of the victims and inform them about the missing persons;
- providing psychological support, in cooperation with public health departments, through the psychologists from the various structures, including volunteers, from the county branches of the Romanian College of Psychologists, assisting victims, their families and intervention staff, as the case may be;

It should be pointed out for cross border cases involving victims of crimes that the process of information, support and protection of victims in accordance with the new provisions in force is carried on in compliance with the non-discrimination principle. According to this principle, the victim is acknowledged and is provided with access to support and protection services without discrimination based on criteria such as: race, nationality, ethnic or social origin, etc.

Moreover, in what concerns the compensation schemes, victims of terrorist attacks are entitled to state financial compensation if the victim is a citizen or a resident of one of the member states of the EU and the crime was committed in Romania.

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

The legislative framework in the field does not provide such immediate financial assistance, the general rules regarding compensation schemes and financial assistance applicable to all victims of crimes shall be available for victims of terrorist.

However, as far as medical costs are concerned, emergency medical care is free of charge irrespective of the nationality of the victim. Medical care, other than the emergency interventions, are subject to agreements between the state where the terrorist attack occurred and the state of citizenship or residence of the victim.

## SLOVAK REPUBLIC

1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?

**The Slovak Republic has no experience with the victims of terrorism so far. However we underlines the importance of this topic. Under the German Presidency, the Slovak Republic nominated a contact point to the network of contact points that should secure the smooth exchange of information in case of a terrorist attack. However, in order to establish a fully functioning contact point entrusted with competencies mentioned in the document WK 11238/2020 INIT, discussion at the national level is still needed. Such a broad mandate would require an expert team consisting of members from different ministries and victim support organisations.**

**The Ministry of Justice of the Slovak Republic also nominated a victim support organisation to the EU Centre of expertise for victims of terrorism which through training and sharing of good practices may help in establishing a fully functioning contact point and provide specialized help to victims of terrorism.**

2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?

**In general, the Slovak Republic does not have any experience in supporting of victims of terrorism. Neither does the Ministry of Justice of the Slovak Republic as a contact point for compensation in the area of providing compensation to victims of terrorism in cross-border situations. Since the act no. 274/2017 Coll. on victims have entered into force (1st January 2018), the Ministry of Justice received 3 applications for compensation in cross-border cases concerning different crimes (human trafficking, murder, bodily harm in connection with robbery).**

3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?

**Given the lack of experience and expertise, there are no experts and specialised victim support organisations in providing help to victims of terrorism. As mentioned in Q1, through the EU Centre of expertise for victims of terrorism we hope to receive examples of good practices and more specialised training on providing help to victims of terrorism.**

**In respect of general support, the Ministry of Interior of the Slovak Republic established information offices in each district which provides basic information and mediates specialised support by referring a victim to one of the specialized victim support organisations.**

See Q1

4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?

**The Act on Victims does not provide for immediate financial assistance. The victims (in general) are under the valid legislation entitled to compensation from state (after claiming the compensation in the criminal proceedings and entry into force of the decision in the matter, however this process is currently under revision and an amendment is being prepared in order to make the compensation more accessible).**

**Victims (Slovak citizens, EU citizens, foreigners, stateless persons with permanent residence in the Slovak Republic or EU MS, asylum seekers, etc.) are entitled to receive compensation from the state if the harm occurred in the territory of the Slovak Republic. If the harm occurred in the territory of other state, victims are entitled to file an application for compensation in the Slovak Republic with the assisting authority.**

**In general, victims are entitled to receive compensation of harm to health which occurred due to the criminal offence, victims of terrorism including. The relatives of a deceased victim are entitled to receive compensation for non-pecuniary damages of up to 50 times of the minimum wages.**

**In the context of benefits provided by other states, under the valid legislation victims can obtain compensation from the Slovak Republic for harm to health when it has not been compensated by other means (e.g. by the perpetrator) and if it was not compensated fully, to the amount of the difference between the legal claim and the compensation for harm to health already paid (i.e. from the total sum of compensation the already received payment will be deducted). Other payments that are not deemed as compensation for harm to health therefore should not be taken into account when granting compensation for harm to health.**

## SLOVENIA

### **1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?**

In its field of competence, Slovenian intelligence Agency (SOVA) shares its relevant information within the framework of Counter Terrorism Group (CTG).

Counterterrorism and Extreme Violence Section of the General Police Directorate would inform ECTS (Europol Counter Terrorism Center) of any criminal investigations. If the information is obtained before criminal investigation phase, it is entered into Schengen Information System. State prosecution share its relevant information with EUROJUST regularly and without particular issues. We add that this cooperation is based directly on the basis of the Eurojust regulation and an Act on Cooperation in Criminal Matters with the Member States of the European Union. National correspondent for terrorism is designated by the State Prosecutor General.

Second paragraph of Article 6 of Protection Against Natural and Other Disasters Act stipulates, that Slovenia exercises the protection against natural and other disasters through its active role in international organisations in accordance with international treaties, mainly through mutual information on the dangers and consequences of natural and other disasters/mutual assistance in the event of such disasters. Pursuant to paragraph three of article 6 of Protection Against Natural and Other Disasters Act, further development of international cooperation in this field, especially with neighbouring states, is required.

Observation, information and alert in the cases of natural and other disasters are governed by the provisions laid down in articles 48-56 of Protection Against Natural and Other Disasters Act. According to article 50 of Protection Against Natural and Other Disasters Act, observation, information and alert are conducted on the basis of, inter alia, international exchange of data and information. Moreover, the database is regulated by article 52 of the Act.

Pursuant to article 52, Minister prescribes the data collection, processing, storage, use and exchange methodology and conditions for data exchange with other countries and international organisations. Civil Protection plays an important role through the assistance offered to other Member states, affected by terrorist attacks. Article 86a of Protection Against Natural and Other Disasters Act governs tasks of protection, rescuing and assistance, that take place in other countries. In order to carry out particularly demanding tasks of protection, rescuing and assistance/ to provide assistance to other countries, a special national unit is set up within the Civil Protection (EHI- *Državna enota za hitre reševalne intervencije*).<sup>1</sup>

- 2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?**
- 3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?**

Victims of terrorism fall within the scope of general victim protection measures. Criminal Procedure Act (ZKP), Legal Aid Act (ZBPP), and Witness Protection Act (ZZPrič) grant victims of crime certain rights in criminal proceedings. Crime victims may also claim compensation for the harm suffered in accordance with the Crime Victim Compensation Act (ZOZKD). Article 11 (article regulates the benefits/services provided to remedy social hardship and difficulties) of the Social Assistance Act (ZSV) guarantees, inter alia, free of charge support for victims of crime which consists of expert support and counselling. Slovenian Police compiled a brochure informing victims about their rights in criminal proceedings. Brochure also provides for general information on criminal offences. A similar brochure was prepared by Ministry of Justice. Furthermore, Police provided a standard online application form that enables the victims to acquire information about the criminal proceedings in progress/upon conclusion, extracted from the official Police records.

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<sup>1</sup> <https://www.gov.si teme/sile-za-zascito-in-resevanje/>



Within the District court of Ljubljana a special victim support Service is established. Victims of crime can obtain assistance from several domestic NGOs. They offer free legal, financial (material) and psychosocial assistance to crime victims, cooperate with public authorities on the issue of violence, etc. Moreover, support and counselling for crime victims are provided by Social Work Centres.

Criminal Procedure Act takes into account the particular situation of victims of terrorism. In accordance with article 143.č of Criminal Procedure Act, the competent authority shall at the time of first contact, if possible, prepare individual evaluation of the victims' exposure to secondary and repeated victimisation. When preparing the assessment, special account is taken, inter alia, of the victims' personal characteristics and circumstances of the offence, in particular the question whether the offence committed contains the elements of terrorism.

Protection Against Natural and Other Disasters Act sets up an organisational scheme of all relevant stakeholders and first organised response in case of natural or other disaster. Art. 8 of this Act provides for the case of terrorist incident as a situation where the system set by the Protection Against Natural and Other Disasters Act needs to be triggered. Within the set system there are tools and channels to provide first and necessary support and help to the victims.

The support mechanism for all victims is set by the transposition of Directive 2012/13. Channels of communication are set for relevant stakeholders (judges, police and centres for social work). There are also special leaflets printed and available at the premises of these stakeholders.

Most of the victims will contact Centres for social work, due to their close involvement with the local communities. Slovenia intends to employ 16 additional social workers by the April 2020 to provide a support for the victims within Centres of Social work.

In cases, where the terrorist act was committed in other member state, access to the assistance and support services analogous to the assistance to the victims of crime is ensured

**4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?**

No special immediate financial assistance scheme is currently in place in Slovenia. Crime victims may claim compensation for the harm suffered in accordance with the Crime Victim Compensation Act (ZOZKD). This also applies for victims of terrorism.

## SPAIN

*(original language Spanish; translation provided by the General Secretariat of the Council)*

*1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?*

The series of provisions and measures included in Title V of Directive (EU) 2017/541 – ‘Provisions on protection of, support to, and rights of victims of terrorism’ – were already in place in Spain before that directive was adopted, and therefore transposition was not necessary. Law 29/2011 of 22 September 2011 on the recognition and comprehensive protection of victims of terrorism, and the regulation implementing it, adopted by Royal Decree 671/2013, are the legal basis of the Spanish system for protecting victims of terrorism, which is defined and characterised by the provision of comprehensive support for those individuals, both at the time of the terrorist attack and in the medium and long term, including not only compensation and financial assistance, but also other kinds of services and assistance to meet any needs a terrorist attack may cause a person to have during their lifetime.

With regard to the specific question on measures adopted to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States, the operational protocol of the Directorate-General for Support for Victims of Terrorism includes immediate, direct and up-to-date communication with the consulates and embassies of countries whose nationals are among the victims of the attack.

*2. What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?*

When individuals of other nationalities are victims of attacks in Spain (e.g. the attacks in Catalonia on 17 August 2017), or Spanish nationals are victims of attacks in other countries, coordination with the Ministry of Foreign Affairs and collaboration with the embassies and consulates is essential in order to provide support in situations where there may be a language barrier or obstacles relating to physical distance, which is particularly complicated when the victim returns to their country of origin.

It is especially important to know who is responsible for matters relating to victims of terrorism in the victims' countries of origin. This is what happened with the attacks in Catalonia, the victims of which included 34 French nationals. Those responsible in Spain and France already knew each other and maintained regular contact, which made coordination simple and efficient, which in turn benefited the victims.

Coordination with other European Union countries where it has not been possible to identify those responsible has proven much more complicated.

That is why Spain emphasises cooperation and coordination with the victims' country of residence and welcomes the EU's impetus in creating a Centre of Expertise, and above all a NETWORK of CONTACT POINTS for support for victims of terrorism.

*3. How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?*

All victims of attacks in Spain have the same rights, regardless of their nationality. Spanish law provides for comprehensive support that comprises not only compensation or financial assistance, but also specialist psychosocial support.

It is a necessary part of this psychosocial support to determine whether the victim will remain in Spain or return to their country of origin. In the first case, the victim is treated the same way as a Spanish victim would be, and is provided with all the available resources to meet their needs, including psychological care from psychologists in the NATIONAL NETWORK OF PSYCHOLOGISTS FOR SUPPORT FOR VICTIMS OF TERRORISM, some of whom speak English and French.

If a foreign victim returns to their country of origin, it is only possible to offer payment for the psychological care they may need, but there are no resources available to offer them more personal support. In our opinion, it should be the country of origin that provides those other specialist services, without prejudice to the monetary compensation that may subsequently result.

*4. Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?*

At present, Spanish law does not take into account compensation provided in other countries, although the costs immediately connected with the attack – travel, accommodation, living expenses – are managed directly or paid on the basis of invoices, meaning that if the invoices have already been paid by other countries they cannot be paid a second time.

Nevertheless, work is ongoing on a reform of the law governing victims' rights, which will take account of compensation received from other countries in the case of Spanish victims of attacks abroad, so that the compensation provided by Spain will be subsidiary to any payment provided by the country in which the attack took place. In the reverse situation, i.e. how to handle compensation for foreign victims of attacks in Spain, we look to the solutions adopted by the EU countries as to how to proceed.

## **SWEDEN**

Sweden welcomes the EU Strategy on victims' rights presented by the European Commission on 24 of July (COM (2020) 258 (9178/20)). Victims of crime is a prioritized question in Sweden and it is important to keep a continuing work in order to improve the protection and support of victims of terrorism, as well as all victims of crime in the EU. We would like to stress the importance of bearing in mind the Council conclusions on victims' rights, 4 December 2019 (2019/C 422/05) and the Council conclusions on Victims of Terrorism, 4 June 2018 (9719/18) in the future work.

- 1. Which measures have the Member States taken, particularly in the light of the Council Conclusions on Victims of Terrorism of terrorism and the Directive on combatting terrorism, to ensure that – in the event of a terrorist attack – it will be possible to forward information rapidly and to pass on offers of assistance among Member States?*

In the event of a terrorist attack in SE, the police usually handle the initial communication with crime victims and also intergovernmental communication about crime victims. The police can also forward information to embassies and put crime victims in contact with embassies. Regarding Swedish victims of terrorism abroad the Ministry of Foreign Affairs/Swedish embassy will be contacted and will forward information. Existing communication channels in SE for intergovernmental communication are well established. Data exchange regarding victims is passed through secure systems and by actors who are well acquainted with applicable data protection regulation.

In case of a terror attack general information for both Member states and public is rapidly published on the Swedish Civil Contingencies Agency's webpage for emergency information. The information is available in Swedish and English. The Swedish Civil Contingencies Agency is operational 24/7 and in case of a terror attack it will secure updated information of the attack on the webpage. Link to the governmental web page: <https://www.krisinformation.se/en>.

The Swedish Crime Victim Authority has an ongoing co-operation with the EU Centre of Expertise for Victims of Terrorism (EUCVT). Before the centre was set up, the authority expressed its support for the proposal of Victim Support Europe, the Association Française des Victimes du Terrorisme, the Fondation Lenval consortium and ARQ National Psychotrauma Centre by means of letter of support. In the current work with developing information to victims of terrorism, the authority has been in contact with EUCVT and further contacts are anticipated on both sides.

2. *What experience have the Member States gained, in their cooperation on the ground, in providing support to cross-border victims, particularly victims of terrorist crimes? Are there any best practices in government-to-government cooperation that the Member States can share?*

The Swedish Crime Victim Authority is a governmental authority which acts for the rights of all crime victims. The authority has not the task of providing direct psycho-social support to victims. This means that it has not been involved in providing support in cross-border cases. The Swedish Crime Victim Authority has however an important role in conveying information about support available for various groups of victims in different forms. In the context of managing state compensation claims in cross-border cases, the authority provides support to applicants in different ways, for example by assisting applicants with filling in forms.

Since crime victims have the right to access support services and competent and authorities should take appropriate measures to minimise the difficulties which victims may face when they are resident of a Member State other than that where the criminal offence was committed, it is important that the Swedish Crime Victim Authority can facilitate easy access to support for this group. The authority has a far-reaching obligation to facilitate crime victims during the application process, e.g. by giving advice, helping victims to fill out the application form and referring to other authorities for support and assistance.

In view of the above, it is critical that the Swedish Crime Victim Authority has updated information on how to refer victims in the event of a terrorist attack. The experience that the Swedish Crime Victim Authority has gained so far in relation to cross-border terrorist victims is that the European umbrella organisation advocating for victims' rights, Victim Support Europe (VSE) can provide information when a terrorist crime has occurred. VSE as well as the EU Centre of expertise for victims of terrorism (EUCVT) can quickly exchange information in order to support the victims. In this way, the EUCVT's network and VSE's network will be able to deliver relevant information at short notice. During the pilot period, the EUCVT is expected to provide guidance on the exchange of information on victims of terrorist attacks across borders.

The UN Portal for Victims of Terrorism created in 2014 is another source of information, covering more countries than the E-justice portal but in some parts less specific. The portal which aims to serve as a resource hub for information on issues related to victims of terrorism includes a directory for civil organisations and a section on government support. Sweden has provided information to this portal.

The Swedish Crime Victim Authority is aware of the co-operation between embassies which means that Swedish citizens in emergency situations may turn to the embassy of another EU country or the embassy or consulate of another Nordic country for help. The Ministry of Foreign Affairs has a collaboration with the Church of Sweden which provides a basis for providing crisis support when serious incidents such as terrorist crimes occur.

In the event of a terrorist crime in Sweden, the Swedish Crime Victim Authority has access to the information on resources for victims of terrorism gathered by the European Network for Victims Rights (ENVR). The network has made a chart available on emergency support for victims of terrorism in the member states and with information on national contact points which could liaise when victims are in need of help. A report was submitted by ENVR in May; Victims of terrorism: victim support and national emergency mechanisms.



3. *How do Member States ensure, particularly in the light of the Council conclusions regarding the rights of victims and the Directive on combatting terrorism, that they can provide specialised, coordinated and comprehensive support offers for victims of terrorism, particularly in cross-border situations?*

In Sweden we have a wide range of opportunities for assistance and support to victims of crime, from social services, health and medical care services, actors in the judicial system and non-profit organisations. The relevant legislation is applicable to all victims of crimes according to their needs in the individual situation, also addressing the specific needs of victims of terrorism.

The Swedish Crime Victim Compensation and Support Authority has recently, within the framework of its remit to be an information and knowledge centre for crime victim issues, received a mission to review and develop its current information directed at victims of terrorism. This information should be in several languages and include general details about the right to assistance, support and protection that victims and their family members have.

Chapter 5 section 11 of the Swedish Social Services Act contains special provisions for certain groups, including victims of crime. According to the first paragraph of the provision, the Social Welfare Board (*Socialnämnden*) has a responsibility to ensure that the person who has been the victim of a crime and his or her relatives receive support and help. All victims of crime, regardless of age and gender, are covered by the provision, including children who have themselves been exposed to crime. The Social Welfare Board shall, after an individual assessment in each individual case grant the necessary assistance to them and their relatives. The concept of support includes, among other things, initiatives such as financial assistance, supportive conversations, contact person, mediation of contacts with other authorities and voluntary organizations etc.

The support for victims of crime and relatives is coordinated so that the individual does not have to have contact with more officials than necessary. In the meeting with the victims of crime, the social services' holistic view is important. It is the social services' responsibility to help ensure that victims and relatives receive the support and help they need, either through the social services or through another organization. The work of voluntary organizations is an important complement to the social committee's activities, which do not deprive the committee of its responsibility for the initiatives and their quality.

The Government annually enters into agreements in the area of mental health with The Swedish Association of Local Authorities and Regions (SALAR), an organisation which represents the Swedish regions and municipalities. The purpose of the agreements is to improve the Swedish regions and municipalities work in the area of mental health in accordance with the national mental health plan 2016-2020. For 2020 a total of 1,7 million SEK is allocated through the agreement which includes efforts to strengthen promotion and prevention, including suicide prevention, to increase the accessibility and quality in mental health care and social care as well as to improve access to psychiatric trauma care for individuals of all ages.

4. *Are there schemes in place in the Member States under which immediate financial assistance is provided especially to victims of terrorism? In this context, will benefits provided in other Member States be taken into account?*

As pointed out in response to question 2, it is possible that financial support can be provided in accordance with the Social Services Act. The Swedish Crime Victim Authority provides compensation from the state in accordance with the Criminal Injuries Compensation Act. Such compensation may be awarded to persons domiciled in Sweden who have been exposed to terrorist crimes abroad, as well as to foreign citizens who have been exposed to such crimes in Sweden. Most insurances in Sweden do not exclude terrorist incidents and it is therefore possible for victims to get help with crisis support quickly.

The Swedish Crime Victim Authority has a limited experience in managing claims for state compensation due to terrorist crime. The main experience of the authority is the processing of applications for criminal injuries compensation due to the terrorist attack in Stockholm on 7 April 2017 and from the attack in Nice. These cases were handled with priority and dealt with in a special form, independently from normal case management. The time for processing these cases was therefore shorter compared with other cases. When the Crime Victim Authority determines what is to be paid in Swedish criminal injuries compensation, financial compensation from insurances as well as from other Member States is taken into account,

As mentioned above victims of crime can apply for crime victim compensation in accordance with the provisions in the Criminal Injuries Compensation Act (*brottsskadelagen* [2014:322]). Until recently a basic deduction (1 500 SEK) was normally subtracted from compensation awarded to a victim (Section 13). In order to further improve the compensation to victims of crime, Sweden has abolished this basic deduction. A Government Bill has been submitted to the Parliament, which approved it on 29 April 2020. The legislative amendment entered into force on 1 July 2020.

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Single contact points for victims of terrorism<sup>1</sup>

Member State	Contact details
<b>BE</b>	<p><b>Belgian Federal Public Prosecutor's Office - Victims Unit</b>            In charge: Federal Magistrate Thomas Lamiroy            Assisted by: Inge Caplier (legal adviser)  <u>Mail:</u> <a href="mailto:nationalvictimsunit@just.fgov.be">nationalvictimsunit@just.fgov.be</a>  <u>Tel.</u> +32 2 557 77 50</p>
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<b>DE</b>	<p><b>Beauftragter der Bundesregierung für die Anliegen von Opfern und Hinterbliebenen von terroristischen Straftaten im Inland</b>            (Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences committed on National Territory)            Federal Ministry of Justice and Consumer Protection, Mohrenstraße 37, 10117 Berlin            Prof. Dr. Edgar Franke  <u>Mail:</u> <a href="mailto:opferbeauftragter@bmjv.bund.de">opferbeauftragter@bmjv.bund.de</a>  <u>Tel.</u> +49 30 18580 8050</p>
<b>DK</b>	<p><b>National Center of Emergency Management, Danish National Police</b>            E-mail: <a href="mailto:pol-nba@politi.dk">pol-nba@politi.dk</a></p>
<b>EE</b>	<p><b>National Social Insurance Board</b>            (especially Victim Support Department)            Mr Jako Salla (Head of the Victim Support Department)  <u>Mail:</u> <a href="mailto:Jako.Salla@sotsiaalkindlustusamet.ee">Jako.Salla@sotsiaalkindlustusamet.ee</a> / <a href="mailto:info@sotsiaalkindlustusamet.ee">info@sotsiaalkindlustusamet.ee</a></p>
<b>EL</b>	<p><b>Mr Theofilos Tsagris,</b>            Head of the Department of Human Rights, Hellenic Ministry of Justice  <u>Mail:</u> <a href="mailto:ttsagris@justice.gov.gr">ttsagris@justice.gov.gr</a>  <u>Tel.</u> +30 213 1307056</p> <p><u>Alternate Contact Point</u>  <b><u>Mrs Athanasia Vasilopoulou,</u></b>            Head of the Department of EU Matters and International Organizations, Hellenic Ministry of Justice  <u>Mail:</u> <a href="mailto:avasilopoulou@justice.gov.gr">avasilopoulou@justice.gov.gr</a> , <a href="mailto:nvasil@hotmail.com">nvasil@hotmail.com</a>  <u>Tel.</u> +30 213 1307025</p>

<sup>1</sup> Notified single contact points as of 25 November 2020.

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